
The Protestant Episcopal Church

In the United States of America

In the Court of Review.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

APPEAL FROM THE COURT FOR THE TRIAL OF A BISHOP.

TRANSCRIPT OF THE RECORD.

CHARLES L. DIBBLE,
Church Advocate,

JOHN H. SMART,
Of Counsel.

JOSEPH W. SHARTS,
Counsel for Accused,

EDWARD BUSHNELL,
Of Counsel.

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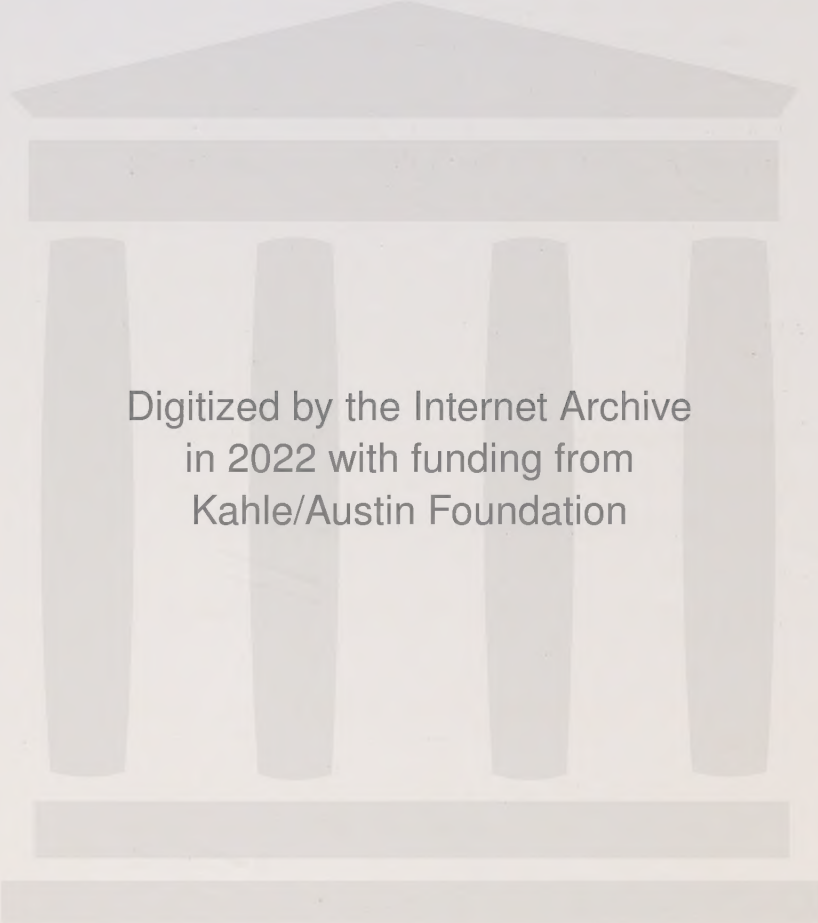
JOHN H. SMART,
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APPEARANCES
in the
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For the Church.

CHARLES L. DIBBLE,
Church Advocate,

JOHN H. SMART,
Of Counsel,

REV. GEORGE C. FOLEY, D.D.,
*Professor of Systematic Divinity
in the Divinity School of the
Protestant Episcopal Church in
Philadelphia,*

REV. THEODORE B. FOSTER,
*Professor of Dogmatic Theology
in the Western Theological
Seminary, Chicago.*

For the Accused.

JOS. W. SHARTS,
Counsel for Bishop Brown,

EDW. BUSHNELL,
Of Counsel,

REV. ARTHUR EDWARD WHATHAM,
Theologian,

THEO. SCHROEDER,
Psychologist,

COL. EMORY SCOTT WEST,
Expert in Religious History.

The Protestant Episcopal Church

In the United States of America

Record of the proceedings of the "Court for the Trial of a Bishop" in the matter of the presentment for trial of the Right Reverend William Montgomery Brown, the same being tried and finally disposed of at the session of said Court, begun and held in the City of Cleveland, State of Ohio, on the 27th, 28th, 29th, 30th and 31st days of May, 1924, A. D.

PRESENTMENT FOR TRIAL OF THE RT. REV. WILLIAM M. BROWN.

(Filed before date of trial, May 27, 1924.)

To the Right Reverend The Presiding Bishop of the Protestant Episcopal Church in the United States or America:

We, ARTHUR C. A. HALL, bishop in and for said Church, having jurisdiction in the diocese of Vermont, JOSEPH M. FRANCIS, bishop in and for said Church, having jurisdiction in the diocese of Indianapolis, and WILLIAM L. GRAVATT, bishop in and for said Church, having jurisdiction in the diocese of West Virginia, on their oaths present:

That on to-wit the eleventh day of October, in the year of Our Lord one thousand nine hundred twenty and on divers days and times thereafter, to-wit from thence hitherto, at the City of Galion, in the state and diocese of Ohio, and at the city of Chicago, in the diocese of Chicago and state of Illinois, and at divers other places within the United States of America, WILLIAM MONTGOMERY BROWN, who was then and there a bishop in said Church, and formerly bishop of the diocese of Arkansas, but being at the time of the happening of the events herein set forth, without jurisdiction, having theretofore resigned the same, did hold and teach, publicly and advisedly certain doctrine contrary to that held by said Protestant Episcopal Church in the United States of America, in manner following:

Said WILLIAM MONTGOMERY BROWN, having theretofore written a certain book entitled "Communism and Christianity," did at the times and places aforesaid, by and through a certain corporation known as the Brad-

ford-Brown Educational Company, print, publish, sell, offer for sale, give away, and otherwise distribute, said book to the general public, and did also on divers days since the date of the first publication of said book, amend and add to the same, and at the times and places and in the manner aforesaid, did print, publish, sell, offer for sale, give away and otherwise distribute said book as amended in subsequent editions;

In which book, as originally written, and also as added to and amended, he, the said WILLIAM BROWN, did publicly set forth and teach certain doctrine, in words and figures as follows (reference being made to the words and page numbers of the eighth edition thereof, published on or about the fifteenth day of April, A. D. 1923) namely:

1—On page 22: "Within the social realm, humanity is my new divinity, and your (meaning thereby members of said Protestant Episcopal Church) divinity (my old one) is a symbol of it, or else, as I think, he is at best a fiction and at worst a superstition."

2—On pages 32 and 33: "Neither capitalism nor Christianity is anything, except insofar as it is a system of parasitism and as parasitic systems they have striking resemblances, nearly as many and close as indistinguishable twins.

"Both have gods, churches and priesthoods and these are in each case nothing but symbols.

"However, the god of capitalism, though only a symbol, is nevertheless real gold, below a real vault, and nearly all the world sincerely worships it.

"But the god of Christianity, though none the less symbolic, but rather more so, is an unreal imaginary spirit, a magnified man without a body, above an imaginary vault, and only a very small part of the world sincerely worships him."

3—On page 51: "Orthodox Christians say that Jesus founded their sectarian churches, though each sect insists that he had to do with only one church, theirs. I doubt that he lived."

4—On page 61: "Do you not now see with me that the christ of the world is not a conscious, personal god, but an unconscious, impersonal machine? It is to the machine of man, not a lamb of god, to which we may hopefully look for the taking away of the sins of the world."

5—On page 78: “The world’s saviour-god is knowledge. There is no other Christ on earth or in any heaven above it, and this one lives, moves and has his being in the fear of ignorance.”

6—On page 81: “Omar, the poetic astronomer, might have added a quatrain which would have closed, ‘I myself am God.’ This is, in effect, what Jesus did say: ‘I and my Father are one.’ This is as true of you and me and of every man, woman and child as it was of Jesus.”

7—On page 81: “Gods in the skies (Jesus, Jehovah, Allah, Buddha) are all right as subjective symbols of human potentialities and attributes and of natural laws, even as the Stars and Stripes on a pole, Uncle Sam in the capitol and Santa Claus in a sleigh are all right as such symbols; but such gods are all wrong, if regarded as objective realities existing independently of those who created them as divinities and placed them in celestial habitations.”

8—On page 82: “So far I have not found it necessary to renounce the Christian God or any of the things which go with him and I have no idea of doing this, any more than I have of renouncing the American Uncle Sam and the things which go with him, but I place the Brother Jesus of the Christian religion and the Uncle Sam of the American politics on the same footing with each other and with others of their kind as subjective realities. I could be a Jew and an Englishman as conscientiously as a Christian and an American.”

9—On page 89: “As an objectivity there is no such divinity (meaning thereby the Triune God, Father, Son, and Holy Spirit). He is a subjectivity existing in the imagination of orthodox Christians.”

10—On page 90: “The one God of the Jews and the triune god of the Christians, if taken seriously, are superstitions.”

11—On page 91: “‘The Lamb of God that taketh away the sins of the world’ is the sign of the zodiac, Aries (sheep, ram) through which the sun passes towards the end of March, when all the saviour-gods annually died and rose again.”

12—On page 91: “Jehovah is the sun-myth rewritten to fit in with the ideals and hopes of the owning, master class of the Jews. Jesus is the sun-myth rewrit-

ten to fit in with the ideals and hopes of the owning, master class of the Christians."

13—On page 92: "The Holy Ghost sees to it that the slave class is kept in ignorance."

14—On page 101: "The birth, death, descension, resurrection and ascension of all the Saviour-gods, not excepting Jesus, are versions of the sun-myth."

15—On page 102: "There is no reason for believing that any one among the gods of the four old supernaturalistic interpretations or religion (Jehovah, Jesus, Allah, Buddha) or that either of the gods of the two new interpretations by the renowned physicist, Sir Oliver Lodge, and the distinguished sociologist, Mr. H. G. Wells, has had more to do in creating, sustaining and governing this world than another, that is to say, there is no ground for believing that the personal, conscious gods in the skies, either individually or collectively, have had anything at all to do with it."

16—On page 106: "There is no rational doubt about the fictitious character of the divine Jesus."

17—On page 106: "The gods of all the supernaturalistic interpretations of religion are so many creations of the dominant or master class, and their revelations were put into their mouths by their makers for the purpose of keeping the slave class ignorant and contented."

18—On page 114: "My god, Nature, is a triune divinity—matter being the father, force the son, and law the spirit."

19—On page 115: "My god, Nature (the triune divinity, matter-force-motion) the doings of which god are so many words of the only gospel upon which the salvation of the world is to any degree dependent, is an impersonal, unconscious, non-moral being."

20—On page 126: "I ceased to believe in the existence of a conscious, personal divinity. Of course, my faith in the existence of a spiritual world and hope for a future life in it went with the God."

21—On pages 146 and 147: "If you ask whether I am still a professing Christian, I shall answer: yes, yet the Brother Jesus of the New Testament, Catholic creed and Protestant confessions, is not for me an historical personage, but only a symbol of all that is for the good of the world, even as the Uncle Sam of American literature is not an historical personage but only a symbol of all which is for the good of the United States."

22—On page 154: "From the viewpoint of the self-styled one hundred per cent Christians, I am a betrayer of Brother Jesus, because I do not believe that he ever had any existence as a god and that, if he was at any time a man, the world does not now and never can know of one thing that he did or of one word that he said."

23—On page 155: "However, though I love my Brother Jesus and Uncle Sam all the time, as a child does Santa Claus at Christmas time, I am no longer childish enough at any time to look to either of them to do anything for me, because I know that what is done for me must be done either by myself or by men, women and children, and that as objective, conscious personalities, my Brother Jesus and Uncle Sam have had no more to do with my life than the man-in-the-moon."

All of said doctrine as contained in each passage above set out being contrary to that held by said Protestant Episcopal Church, as contained in the Book of Common Prayer and especially in the Apostles and Nicene Creeds.

ARTHUR C. A. HALL,
Bishop of Vermont.

JOSEPH M. FRANCIS,
Bishop of Indianapolis.

WILLIAM L. GRAVATT,
Bishop of West Virginia.

CHARLES LEMUEL DIBBLE,
Church Advocate.

STATE OF VERMONT,
COUNTY OF, ss.

ARTHUR C. A. HALL, Bishop of Vermont, being sworn, says, That he has read the foregoing Presentment by him signed, and knows the contents thereof and that the same is true, except as to matters therein stated on his information and belief, and these he believes to be true.

ARTHUR C. A. HALL

Subscribed and sworn to before me, this 28th day of January, A. D. 1924.

(Seal) HENRY B. SHAW,
Notary Public.

My commission expires January 31, 1925.

(Duly certified by County Clerk)

STATE OF INDIANA,
COUNTY OF MARION, SS.

JOSEPH M. FRANCIS, Bishop of Indianapolis, being sworn, says, That he has read the foregoing Presentment by him signed, and knows the contents thereof and that the same is true except as to matters therein stated on his information and belief, and these he believes to be true.

JOSEPH M. FRANCIS,

Subscribed and sworn to before me, this 3rd day of January, A. D. 1924.

FLORENCE S. YORK,
Notary Public.

(Seal)

My commission expires June 14, 1925.

(Duly certified by County Clerk)

STATE OF WEST VIRGINIA,
COUNTY OF, SS.

WILLIAM L. GRAVATT, Bishop of West Virginia, being sworn says, That he has read the foregoing Presentment by him signed, and knows the contents thereof and that the same is true, except as to matters therein stated on his information and belief, and these he believes to be true.

WILLIAM L. GRAVATT,

Subscribed and sworn to before me, this 18th day of January, A. D. 1924.

A. W. FLOURNOY,
Notary Public.

(Seal)

My commission expires July 11, 1933.

(Duly certified by County Clerk)

In the case of each of the foregoing affidavits, the Notary Public will affix his seal and will obtain and affix also, a certificate from the Clerk of the Court of record having record of commissions of Notaries Public, to the effect that he was a duly authorized Notary Public on the day of the date of this affidavit.

**CERTIFICATE OF THE PRESIDING BISHOP AS
TO SERVICE OF PRESENTMENT UPON THE
DEFENDANT.**

In the Matter of the Presentment for trial of the
Rt. Rev. WILLIAM MONTGOMERY BROWN.

I, Alexander Charles Garrett, Bishop of Dallas, and
Presiding Bishop of the Protestant Episcopal Church in
the United States of America, do certify that on the 4th
day of February, A. D. 1924, I caused a true copy of the
Presentment of Rt. Revs. Arthur C. A. Hall, Joseph M.
Francis, and William L. Gravatt herein, to be served
upon the Rt. Rev. William Montgomery Brown, the
Bishop accused therein, by depositing the same in the
United States postoffice at the City of Dallas, Texas, in
a sealed envelope, duly registered with return receipt
demanded, and postage full prepaid thereon, addressed
to the said the Rt. Rev. William Montgomery Brown,
Galion, Ohio, that being the place of residence of the said
Defendant.

ALEX C. GARRETT,
Presiding Bishop.

Dated, this 4th day of
February, A. D. 1924.

**BISHOP BROWN'S ANSWER TO THE PRESENT-
MENT FOR TRIAL.**

(Filed before date of Trial, May 27, 1924.)

My answer to the Presentment consists of this state-
ment, protest and appeal.

Contrary to the representation of the Presentment,
my booklet, Communism and Christianity, does not con-
tain twenty-three doctrines which are opposed to the
teachings of the Prayer Book and Creeds, nor even one.

Though I do not believe in the existence of a conscious, personal God, I am not Godless. Nature is my divinity and it is a symbol of the trinity, the great matter-force-motion reality, in which all that is lives, moves and has its being. To know and regard the doings of this divinity is the salvation of the world.

In this booklet I do indeed reject the supernaturalistic teachings of the Bible if they must be interpreted literally; but not, if I may interpret them symbolically, allegorically or parabolically.

For example, hell and heaven are for me symbols of terrestrial states, not the names of celestial places.

The symbolic interpretation is not an invention of mine. Origen, the greatest among all church fathers, interpreted some of the supernaturalistic representations of the Bible symbolically. He asked:

What man of sense will agree with the statement that the first, second, and third days, in which the evening is named and the morning, were without sun, moon and stars? What man is found such an idiot as to suppose that God planted trees in Paradise like an husband-man? I believe that every man must hold these things for images under which a hidden sense is concealed.

Yet our law affirms that "All true Christian men ought and must repute, take and hold all the things which be comprehended in the Bible according to the self-same sense which the words of Scripture do purport and signify."

This law is disregarded by me in the case of every supernaturalistic representation of the Bible; but all my brethren disregard it in some important cases.

They have been challenged by me to place themselves on record as believing the representations of the Bible, literally interpreted, concerning the creation of Adam and Eve; the planting of the Garden of Eden; the fall of Adam and Eve and its effects; the birth of Jesus, his death and descent into hell; his bodily resurrection and ascension into heaven, and his second coming to raise all deceased men, women and children from the dead and to judge and send them to heaven or hell; and I promise that if they should do this, I would voluntarily leave the House and Church.

They have also been challenged by me to appoint three of their number to hold an open discussion with me

and to helpers concerning the religious heresies of my booklet, Communism and Christianity, before three equitably selected judges, and I promised that if two of them should decide that Mosiasm and Paulinism are not irreconcilably contradictory to Darwinism as to their doctrines concerning the creation, fall, redemption and destiny of man, I would voluntarily withdraw from the House and Church.

If either of these challenges had been accepted there would have been no need for a trial.

Having made these offers and promises I earnestly protest that I should not have been presented for trial, or at least not alone, and I solemnly appeal to all representatives of the Church to prevent the useless and harmful proceedings of separating me from other heretics and dragging me to a court.

As the sixth of our thirty-nine articles of religion make the Bible the standard doctrine and as my ordination vows concern it alone, I protest against the making of the Prayer Book and Creeds the basis for the trial of me.

If I am tried, it will be, broadly and briefly speaking, because I cannot believe the impossible stories of the two Bible Adams which constitute the basis of Christian orthodoxy—the story of the Mosaic Adam who was made out of dust in the image and likeness of God and whose fall brought death into the world, and the story of the Pauline Adam, who, according to the gospel narratives, was born of a Virgin and whose death and bodily resurrection restored immortality to body and soul. “For since by man, the first Adam, came death, by man, the second Adam, came also the resurrection of the dead.”

Think of trying me for not believing stories which few, if any, bishops accept literally interpreted, but which I accept symbolically.

WM. M. BROWN.

SUMMONS UPON RT. REV. WILLIAM MONTGOMERY BROWN TO APPEAR ON DAY SET FOR TRIAL, TO-WIT, MAY 27, 1924.

(Filed before date of Trial.)

*To The Right Reverend William Montgomery Brown,
Galion, Ohio:*

In pursuance of the duty imposed upon me as President of the Court for the trial of a Bishop, constituted under the Canons of the Protestant Episcopal Church in the United States of America, I summon you to appear on the 27th day of May, A. D. 1924, in the City of Cleveland, State of Ohio, at 2 o'clock P. M. in Trinity Cathedral Hall, then and there to answer the Presentment which has been made against you by Arthur C. A. Hall, Joseph M. Francis, and William L. Gravett, three Bishops of this Church exercising jurisdiction, for holding and teaching, publicly and privately and advisedly, doctrine contrary to that held by this Church, for the hearing of which Presentment the said Court has been called to meet on the day at the time and place above mentioned.

WITNESS my hand this 24th day of March, A. D. 1924, at the City of Baltimore, in the Diocese of Maryland.

(Signed) JOHN G. MURRAY,
President of the Court.

The Rt. Rev. John G. Murray,
President of the Court,
409 N. Charles Street,
Baltimore, Maryland.

This is to advise you that on the twenty-fifth day of March, 1924, I received a paper at my residence in Galion, Ohio, of which the attached is a true copy.

WM. M. BROWN.

Paper Attached to Above Certificate.

*To The Right Reverend William Montgomery Brown,
Galion Ohio:*

In pursuance of the duty imposed upon me as President of the Court for the trial of a Bishop, constituted under the Canons of the Protestant Episcopal Church in the United States of America, I summon you to appear

on the 27th day of May, A. D. 1924, in the City of Cleveland, State of Ohio, at 2 o'clock P. M., in Trinity Cathedral Hall, then and there to answer the Presentment which has been against you by Arthur C. A. Hall, Joseph M. Francis, and William L. Gravatt, three Bishops of this Church exercising jurisdiction, for holding and teaching, publicly and privately and advisedly, doctrine contrary to that held by this Church, for the hearing of which Presentment the said Court has been called to meet on the day at the time and place above mentioned.

WITNESS my hand this 24th day of March, A. D. 1924, at the City of Baltimore, in the Diocese of Maryland.

(Signed) JOHN G. MURRAY,
President of the Court.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

**APPLICATION FOR THE APPOINTMENT OF COM-
MISSIONERS TO TAKE DEPOSITIONS.**

(Filed before date of Trial, May 27, 1924.)

Now comes the defendant, and, denying the jurisdiction of the Court, and reserving all questions as to the legality of the constitution of the Court, and as to its jurisdiction of the subject matter of this proceeding and of the person of the defendant, represents to the Court that this application is made at this time for the reason that the President of the Court has declined and refused to give consideration to the motions and demurrer heretofore filed herein on behalf of the defendant until the date set for the trial of this cause, wherefore the questions raised by the said motions and demurrer can not be decided by the Court in time to permit the summoning of witnesses and the taking of testimony thereafter in case the defendant is required to proceed with the trial.

The defendant therefore does now apply to the Right Reverend John G. Murray, D.D., a member and President of the Court for the Trial of Bishops (said Court not being now in session), and asks that the said John G. Murray, or the said Court, appoint commissioners to take the depositions of the following named witnesses on behalf of the defendant on the trial of this proceeding.

Applicant avers that it is necessary to take the depositions of the said witnesses whose attendance at the trial probably can not be secured:

Alexander Chas. Garrett, D.D., LL.D., Bishop of Dallas. Dallas, Texas.

Edwin Gardner Weed, D.D., Bishop of Florida. Jacksonville, Florida.

Ethelbert Talbot, D.D., LL.D., Bishop of Bethlehem. South Bethlehem, Pennsylvania.

James Steptoe Johnston, D.D., Bishop. San Antonio, Texas.

Boyd Vincent, D.D., Bishop of Southern Ohio. Cincinnati, Ohio.

William Andrew Leonard, D.D., Bishop of Ohio. Cleveland, Ohio.

Anson Rogers Graves, D.D., LL.D., Bishop. Sonora, California.

William Ford Nichols, D.D., Bishop of California. San Francisco, California.

David Sessums, D.D., Bishop of Louisiana. New Orleans, Louisiana.

George Herbert Kinsolving, D.D., Bishop of Texas. Austin, Texas.

Lemuel Henry Wells, D.D., D.C.L., Bishop. Tacoma, Washington.

Thomas Frank Gailor, D.D., Bishop of Tennessee. Church Missions House, New York.

William Lawrence, D.D., LL.D., D.C.L., Bishop of Massachusetts. Boston, Massachusetts.

Joseph Blount Cheshire, D.D., Bishop of North Carolina. Raleigh, North Carolina.

John Hazen White, D.D., Bishop of Northern Indiana. South Bend, Indiana.

Peter Trimble Rowe, D.D., Bishop of Alaska. North Seattle, Washington.

Lewis Wm. Burton, D.D., LL.D., Bishop of Lexington. Lexington, Kentucky.

Joseph Horsfall Johnson, D.D., Bishop of Los Angeles. Pasadena, California.

James Dow Morrison, D.D., LL.D., Bishop. (Resignation accepted on the 2nd day of the session.) Ogdensburg, New York.

Chauncey Bunce Brewster, D.D., Bishop of Connecticut. Hartford, Connecticut.

Junius Moore Horner, D.D., Bishop of Asheville. Asheville, North Carolina.

Lucien Lee Kinsolving, D.D., LL.D., Bishop of Southern Brazil. Grande do Sul, Brazil.

William Hall Moreland, D.D., Bishop of Sacramento, Sacramento, California.

Theodore Nevin Morrison, D.D., LL.D., Bishop of Iowa. Davenport, Iowa.

Sidney Catlin Partridge, D.D., Bishop of West Missouri. Kansas City, Missouri.

Charles Palmerston Anderson, D.D., Bishop of Chicago. Chicago, Illinois.

Reginald Heber Weller, D.D., Bishop of Fond du Lac. Fond du Lac, Wisconsin.

Cameron Mann, D.D., Bishop of South Florida. Orlando, Florida.

Chas. Henry Brent, D.D., Bishop of Western New York. Buffalo, New York.

Frederic William Keator, D.D., Bishop of Olympia. Tacoma, Washington.

Frederick Burgess, D.D., Bishop of Long Island. Garden City, Long Island, New York.

Henry Bond Restarick, D.D., Bishop. Honolulu, Hawaiian Islands.

Charles Tyler Olmsted, D.D., D.C.L., LL.D., Bishop of Central New York. Utica, New York.

Charles Minnigerode Beckwith, D.D., Bishop of Alabama. Montgomery, Alabama.

Sheldon Munson Griswold, D.D., Suffragan Bishop of Chicago. Chicago, Illinois.

Edward Fawcett, Ph.D., D.D., Bishop of Quincy. Quincy, Illinois.

Richard Henry Nelson, D.D., Bishop of Albany. Albany, New York.

Edward William Osborne, D.D., Bishop. San Diego, California.

Albion Williamson Knight, D.D., Bishop. Trenton, New Jersey.

Charles Edward Woodcock, D.D., LL.D., Bishop of Kentucky. Louisville, Kentucky.

James Henry Darlington, Ph.D., D.D., LL.D., Bishop of Harrisburg. Harrisburg, Pennsylvania.

Frederick Foote Johnson, D.D., Bishop Coadjutor of Missouri. St. Louis, Missouri.

William Walter Webb, D.D., Bishop of Milwaukee. Milwaukee, Wisconsin.

Beverly Dandridge Tucker, D.D., Bishop of Southern Virginia. Lynchburg, Virginia.

William Alexander Guerry, D.D., Bishop of South Carolina. Charleston, South Carolina.

Nathaniel Seymour Thomas, D.D., Bishop of Wyoming. Laramie, Wyoming.

Arthur Selden Lloyd, D.D., Suffragan Bishop of New York. New York, New York.

George Allen Beecher, D.D., Bishop of Western Nebraska. Hastings, Nebraska.

Edward Arthur Temple, D.D., Bishop of North Texas. Amarillo, Texas.

James DeWolf Perry, Jr., D.D., Bishop of Rhode Island. Providence, Rhode Island.

Julius Walter Atwood, D.D., Bishop of Arizona. Phoenix, Arizona.

Louis Childs Sanford, D.D., Bishop of San Joaquin. Fresno, California.

Theodore Payne Thurston, D.D., Bishop of Oklahoma. Oklahoma City, Oklahoma.

James Ridout Winchester, D.D., Bishop of Arkansas. Little Rock, Arkansas.

Thomas Frederick Davies, D.D., Bishop of Western Massachusetts. Springfield, Massachusetts.

Philip Mercer Rhinelander, D.D., LL.D., D.C.L., Bishop of Pennsylvania. Philadelphia, Pennsylvania.

Thomas James Garland, D.D., D.C.L., Suffragan Bishop of Pennsylvania. Philadelphia, Pennsylvania.

Harry Sherman Longley, D.D., Bishop Coadjutor of Iowa. Des Moines, Iowa.

Frank Arthur McElwain, D.D., Bishop of Minnesota. Minneapolis, Minnesota.

Theodore Irving Reese, D.D., Bishop Coadjutor of Southern Ohio. Columbus, Ohio.

Samuel Gavitt Babcock, D.D., Suffragan Bishop of Massachusetts. Boston, Massachusetts.

John Poyntz Tyler, D.D., Bishop of North Dakota. Fargo, North Dakota.

Frederick Bingham Howden, D.D., Bishop of New Mexico. Albuquerque, New Mexico.

William Theodotus Capers, D.D., Bishop of West Texas. San Antonio, Texas.

William Cabell Brown, D.D., Bishop of Virginia. Richmond, Va.

George Coolidge Hunting, D.D., Bishop of Nevada. Reno, Nevada.

Paul Jones, D.D., Bishop. Orange, New Jersey.

Walter Taylor Sumner, D.D., Bishop of Oregon. Portland, Oregon.

Thomas Campbell Darst, D.D., Bishop of East Carolina. Wilmington, North Carolina.

Paul Mathews, D.D., Bishop of New Jersey. Trenton, New Jersey.

George Yemens Bliss, D.D., Bishop Coadjutor of Vermont. Burlington, Vermont.

Charles Fiske, D.D., LL.D., Bishop Coadjutor of Central New York. Syracuse, New York.

Wilson Reiff Stearly, D.D., Coadjutor of Newark. Newark, New Jersey.

Edward Campion Acheson, D.D., Suffragan Bishop of Connecticut. Middletown, Connecticut.

James Wise, D.D., Bishop of Kansas. Topeka, Kansas.

Hugh Latimer Burleson, D.D., Bishop of South Dakota. Sioux Falls, South Dakota.

Irving Peake Johnson, D.D., Bishop of Colorado. Denver, Colorado.

Frank Hale Touret, D.D., Bishop of Idaho. Boise, Idaho.

Granville Hudson Sherwood, D.D., Bishop of Springfield. Springfield, Illinois.

Edwin Warren Saphore, D.D., Suffragan Bishop of Arkansas. Little Rock, Arkansas.

Arthur Conover Thomson, D.D., Bishop Coadjutor of Southern Virginia. Portsmouth, Virginia.

Harry Tunis Moore, D.D., Bishop Coadjutor of Dallas. Dallas, Texas.

Henry Judah Mikell, D.D., Bishop of Atlanta. Atlanta, Georgia.

William Proctor Remington, D.D., Suffragan Bishop of South Dakota. (Elected Bishop of Eastern Oregon on the 13th day of the Session.) Baker, Oregon.

Robert Le Roy Harris, D.D., Bishop of Marquette. Marquette, Michigan.

Edward Thomas Demby, D.D., Suffragan Bishop of Arkansas. Little Rock, Arkansas.

Clinton Simon Quin, D.D., Bishop Coadjutor of Texas. Houston, Texas.

Henry Beard Delaney, D.D., Suffragan Bishop of North Carolina. Raleigh, North Carolina.

William Mercer Green, D.D., Bishop Coadjutor of Mississippi. Meridian, Mississippi.

Ernest Vincent Shayler, D.D., Bishop of Nebraska. Omaha, Nebraska.

Edward Lambe Parsons, D.D., Bishop Coadjutor of California. San Francisco, California.

Robert Carter Jett, D.D., Bishop of Southwestern Virginia. Roanoke, Virginia.

Arthur Wheelock Moulton, D.D., Bishop of Utah. Salt Lake City, Utah.

George William Davenport, D.D., Bishop of Easton. Easton, Maryland.

David Lincoln Ferris, D.D., Suffragan Bishop of Western New York. Rochester, N. Y.

Philip Cook, D.D., Bishop of Delaware. Wilmington, Delaware.

William Bertrand Stevens, D.D., Bishop Coadjutor of Los Angeles. Los Angeles, California.

Herbert Henry Haywood Fox, D.D., Suffragan Bishop of Montana. Billings, Montana.

Granville Gaylord Bennett, D.D., Bishop of Duluth. Duluth, Minnesota.

Robert Herbert Mize, D.D., Bishop of Salina. Salina, Kansas.

Kirkham George Finlay, D.D., Bishop of Upper South Carolina. Columbia, South Carolina.

William Thomas Manning, D.D., Bishop of New York. New York, New York.

Fred Ingley, D.D., Bishop Coadjutor of Colorado. Denver, Colorado.

John Chamberlain Ward, D.D., Bishop of Erie.
Erie, Pennsylvania.

Herbert Shipman, D.D., Suffragan Bishop of New
York. New York, New York.

WILLIAM MONTGOMERY BROWN,

By JOSEPH W. SHARTS,

His Counsel.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

**APPLICATION FOR THE ISSUANCE OF SUMMONS
FOR WITNESSES FOR DEFENDANT.**

(Filed before date of Trial, May 27, 1924.)

Now comes the defendant, and, denying the jurisdiction of the Court and reserving all questions as to the legality of the constitution of the Court and as to its jurisdiction of the subject matter of this proceeding and of the person of the defendant, represents to the Court that this application is made at this time for the reason that the President of the Court had declined and refused to give consideration to the motions and demurrer heretofore filed herein on behalf of the defendant until the date set for the trial of this cause, wherefore the questions raised by the said motions and demurrer can not be decided by the Court in time to permit the summoning of witnesses and the taking of testimony thereafter in case the defendant is required to proceed with the trial.

The defendant therefore does now apply to The Right Reverend John G. Murray, D.D., a member and President of the Court for the Trial of Bishops, (said Court not being now in session) for a summons or subpoena for each of the following named persons as witness on behalf of defendant upon the trial of this cause, to-wit:

Alexander Charles Garrett, D.D., LL.D., Bishop of Dallas. Dallas, Texas.

Edwin Gardner Weed, D.D., Bishop of Florida. Jacksonville, Fla.

Ethelbert Talbot, D.D., LL.D., Bishop of Bethlehem. South Bethlehem, Pennsylvania.

James Steptoe Johnson, D.D., Bishop. San Antonio, Texas.

Boyd Vincent, D.D., Bishop of Southern Ohio. Cincinnati, Ohio.

William Andrew Leonard, D.D., Bishop of Ohio. Cleveland, Ohio.

Anson Rogers Graves, D.D., LL.D., Bishop. Sonora, California.

William Ford Nichols, D.D., Bishop of California. San Francisco, California.

David Sessums, D.D., Bishop of Louisiana. New Orleans, Louisiana.

George Herbert Kinsolving, D.D., Bishop of Texas. Austin, Texas.

Lemuel Henry Wells, D.D., D.C.L., Bishop. Tacoma, Washington.

Thomas Frank Gailor, D.D., Bishop of Tennessee. Church Missions, House, New York.

William Lawrence, D.D., LL.D., D. C. L., Bishop of Massachusetts. Boston, Massachusetts.

Joseph Blount Cheshire, D.D., Bishop of North Carolina. Raleigh, North Carolina.

John Hazen White, D.D., Bishop of Northern Indiana. South Bend, Indiana.

Peter Trimble Rowe, D.D., Bishop of Alaska. North Seattle, Washington.

Lewis William Burton, D.D., LL.D., Bishop of Lexington. Lexington, Kentucky.

Joseph Horsfall Johnson, D.D., Bishop of Los Angeles. Pasadena, California.

James Dow Morrison, D.D., LL.D., Bishop. (Resignation accepted on the second day of the session). Ogdensburg, New York.

Chauncey Bunce Brewster, D.D., Bishop of Connecticut. Hartford, Connecticut.

Junius Moore Horner, D.D., Bishop of Asheville. Asheville, North Carolina.

Lucien Lee Kinsolving, D.D., LL.D., Bishop of Southern Brazil. Rio Grande do Sul, Brazil.

William Hall Moreland, D.D., Bishop of Sacramento. Sacramento, California.

Theodore Nevin Morrison, D.D., LL.D., Bishop of Iowa. Davenport, Iowa.

Sidney Catlin Partridge, D.D., Bishop of West Missouri. Kansas City, Missouri.

Charles Palmerston Anderson, D.D., Bishop of Chicago. Chicago, Ill.

Reginald Heber Weller, D.D., Bishop of Fond du Lac. Fond du Lac, Wisconsin.

Cameron Mann, D.D., Bishop of South Florida. Orlando, Florida.

Chas. Henry Brent, D.D., Bishop of Western New York. Buffalo, N. Y.

Frederic William Keator, D.D., Bishop of Olympia. Tacoma, Washington.

Frederick Burgess, D.D., Bishop of Long Island. Garden City, Long Island, New York.

Henry Bond Restarick, D.D., Bishop. Honolulu, Hawaiian Islands.

Chas Tyler Olmsted, D.D., D.C.L., LL.D., Bishop of Central New York. Utica, New York.

Chas. Minnigerode Beckwith, D.D., Bishop of Alabama. Montgomery, Alabama.

Sheldon Munson Griswold, D.D., Suffragan Bishop of Chicago. Chicago, Illinois.

Edward Fawcett, Ph.D., D.D., Bishop of Quincy. Quincy, Illinois.

Richard Henry Nelson, D.D., Bishop of Albany. Albany, New York.

Edward Wm. Osborne, D.D., Bishop. San Diego, California.

Albion Williamson Knight, D.D., Bishop. Trenton, New Jersey.

Chas. Edward Woodcock, D.D., LL.D., Bishop of Kentucky. Louisville, Kentucky.

James Henry Darlington, Ph.D., D.D., LL.D., Bishop of Harrisburg. Harrisburg, Pennsylvania.

Frederick Foote Johnson, D.D., Bishop Coadjutor of Missouri. St. Louis, Missouri.

Wm. Walter Webb, D.D., Bishop of Milwaukee. Milwaukee, Wisconsin.

Beverley Dandridge Tucker, D.D., Bishop of Southern Virginia. Lynchburg, Virginia.

Wm. Alexander Guerrey, D.D., Bishop of South Carolina. Charleston, South Carolina.

Nathaniel Seymour Thomas, D.D., Bishop of Wyoming. Laramie, Wyoming.

Arthur Selden Lloyd, D.D., Suffragan Bishop of New York. New York, New York.

George Allen Beecher, D.D., Bishop of Western Nebraska. Hastings, Nebraska.

James DeWolf Perry, Jr., D.D., Bishop of Rhode Island. Providence, Rhode Island.

Julius Walter Atwood, D.D., Bishop of Arizona. Phoenix, Arizona.

Louis Childs Sanford, D.D., Bishop of San Joaquin. Fresno, California.

Theodore Payne Thurston, D.D., Bishop of Oklahoma. Oklahoma City, Oklahoma.

James Ridout Winchester, D.D., Bishop of Arkansas. Little Rock, Arkansas.

Thos. Frederick Davies, D.D., Bishop of Western Massachusetts. Springfield, Massachusetts.

Philip Mercer Rhinelander, D.D., LL.D., D.C.L., Bishop, retired. Philadelphia, Pennsylvania.

Thos. James Garland, D.D., D.C.L., Bishop of Pennsylvania. Philadelphia, Pennsylvania.

Harry Sherman Longley, D.D., Bishop Coadjutor of Iowa. Des Moines, Iowa.

Frank Arthur McElwain, D.D., Bishop of Minnesota. Minneapolis, Minnesota.

Theodore Irving Reese, D.D., Bishop Coadjutor of Southern Ohio. Columbus, Ohio.

Samuel Gavitt Babcock, D.D., Suffragan Bishop of Massachusetts. Boston, Massachusetts.

John Poyntz Tyler, D.D., Bishop of North Dakota. Fargo, North Dakota.

Frederick Bingham Howden, D.D., Bishop of New Mexico. Albuquerque, New Mexico.

Wm. Theodotus Capers, D.D., Bishop of West Texas. San Antonio, Texas.

Wm. Cabell Brown, D.D., Bishop of Virginia. Richmond, Virginia.

George Coolidge Hunting, D.D., Bishop of Nevada. Reno, Nevada.

Paul Jones, D.D., Bishop. Orange, New Jersey.

Walter Taylor Sumner, D.D., Bishop of Oregon. Portland, Oregon.

Thos. Campbell Darst, D.D., Bishop of East Carolina. Wilmington, North Carolina.

Paul Mathews, D.D., Bishop of New Jersey. Trenton, New Jersey.

George Yemens Bliss, D.D., Bishop Coadjutor of Vermont. Burlington, Vermont.

Chas. Fiske, D.D., LL.D., Bishop of Central New York. Syracuse, New York.

Wilson Reiff Stearly, D.D., Bishop Coadjutor of Newark. Newark, New Jersey.

Edward Campion Acheson, D.D., Suffragan Bishop of Connecticut. Middletown, Connecticut.

James Wise, D.D., Bishop of Kansas. Topeka, Kansas.

Hugh Latimer Burleson, D.D., Bishop of South Dakota. Sioux Falls, South Dakota.

Irving Peake Johnson, D.D., Bishop of Colorado. Denver, Colorado.

Frank Hale Touret, D.D., Bishop of Idaho. Boise, Idaho.

Granville Hudson Sherwood, D.D., Bishop of Springfield. Springfield, Illinois.

Edwin Warren Saphore, D.D., Suffragan Bishop of Arkansas. Little Rock, Arkansas.

Arthur Conover Thomson, D.D., Bishop Coadjutor of Southern Virginia. Portsmouth, Virginia.

Harry Tunis Moore, D.D., Bishop of Dallas. Dallas, Texas.

Henry Judah Mikell, D.D., Bishop of Atlanta. Atlanta, Georgia.

William Proctor Remington, D.D., Suffragan Bishop of South Dakota. (Elected Bishop of Eastern Oregon on the 13th day of the Session.) Baker, Oregon.

Robert Le Roy Harris, D.D., Bishop of Marquette. Marquette, Mich.

Edward Thomas Demby, D.D., Suffragan Bishop of Arkansas. Little Rock, Arkansas.

Clinton Simon Quin, D.D., Bishop Coadjutor of Texas. Houston, Texas.

Henry Beard Delany, D.D., Suffragan Bishop of North Carolina. Raleigh, North Carolina.

Wm. Mercer Green, D.D., Bishop Coadjutor of Mississippi. Meridian, Mississippi.

Ernest Vincent Shayler, D.D., Bishop of Nebraska. Omaha, Nebraska.

Edward Lambe Parsons, D.D., Bishop Coadjutor of California. San Francisco, California.

Robert Carter Jett, D.D., Bishop of Southwestern Virginia. Roanoke, Virginia.

Arthur Wheelock Moulton, D.D., Bishop of Utah. Salt Lake City, Utah.

George William Davenport, D.D., Bishop of Easton. Easton, Maryland.

Wm. Bertrand Stevens, D.D., Bishop Coadjutor of Los Angeles. Los Angeles, California.

David Lincoln Ferris, D.D., Suffragan Bishop of Western New York. Rochester, New York.

Philip Cook, D.D., Bishop of Delaware. Wilmington, Delaware.

Herbert Henry Haywood Fox, D.D., Suffragan Bishop of Montana. Billings, Montana.

Granville Gaylord Bennett, D.D., Bishop of Duluth. Duluth, Minn.

Robert Herbert Mize, D.D., Bishop of Salina. Salina, Kansas.

Kirkham George Finlay, D.D., Bishop of Upper South Carolina. Columbia, South Carolina.

Wm. Thomas Manning, D.D., Bishop of New York. New York, New York.

Fred Ingley, D.D., Bishop Coadjuator of Colorado. Denver, Colorado.

John Chamberlain Ward, D.D., Bishop of Erie. Erie, Pennsylvania.

Herbert Shipman, D.D., Suffragan Bishop of New York. New York.

Frank Du Moulin, Bishop Coadjutor of Ohio. Cleveland, Ohio.

BISHOP WM. MONTGOMERY BROWN,
Defendant,

By JOSEPH W. SHARTS,
His Counsel.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

**APPLICATION FOR THE ISSUANCE OF SUMMONS
FOR WITNESSES FOR DEFENDANT.**

(Filed before date of Trial, May 27, 1924.)

Now comes the defendant, and, denying the jurisdiction of the Court and reserving all questions as to the legality of the constitution of the Court and as to its jurisdiction of the subject matter of this proceeding and of the person of the defendant, represents to the Court that this application is made at this time for the reason that the President of the Court had declined and refused to give consideration to the motions and demurrer heretofore filed herein on behalf of the defendant until the date set for the trial of this cause, wherefore the questions raised by the said motions and demurrer can not be decided by the Court in time to permit the summoning of witnesses and the taking of testimony thereafter in case the defendant is required to proceed with the trial.

The defendant therefore does now apply to the Right Reverend John G. Murray, D.D., a member and President of the Court for the Trial of Bishops, (said Court not being in session) for a summons or subpoena for the following named persons as witness on behalf of defendant upon the trial of this cause, to-wit:

The Rev. Dr. Elwood Worcester, 15 Newbury St., Boston, Mass.

The Rev. Truman Heminway, Grace Church, Providence, R. I.

The Rev. Dr. Leighton Parks, 107 E. 50th St., New York City, N. Y.

The Rev. Dr. Percy S. Grant, 7 W. 10th St., New York City, N. Y.

The Rev. Dr. Karl Reiland, 209 E. 16th St., New
York City, N. Y.

The Rev. Wm. Norman Guthrie, 22 E. 11th St., New
York City, N. Y.

BISHOP WILLIAM MONTGOMERY BROWN,

By JOSEPH W. SHARTS

His Counsel.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church .
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

SPECIAL SUMMONS FOR FRANK DU
MOULIN, LL.D.

(Filed before date of Trial, May 27, 1924.)

Now comes the defendant, and, denying the jurisdiction of the Court and reserving all questions as to the legality of the constitution of the Court and as to its jurisdiction of the subject matter of this proceeding and of the person of the defendant, represents to the Court that this application is made at this time for the reason that the President of the Court had declined and refused to give consideration to the motions and demurrer heretofore filed herein on behalf of the defendant until the date set for the trial of this cause, wherefore the questions raised by the said motions and demurrer can not be decided by the Court in time to permit the summoning of witnesses and the taking of testimony thereafter in case the defendant is required to proceed with the trial.

The defendant therefore does now apply to the Right Reverend John G. Murray, D.D., a member and President of the Court for the Trial of Bishops, (said Court not being now in session) for a summons or subpoena for the following named person as witness on behalf of defendant upon the trial of this cause, to-wit:

Frank Du Moulin, D.D., LL.D., Bishop Coadjutor of Ohio. Cleveland, Ohio.

BISHOP WM. MONTGOMERY BROWN,
Defendant.

By JOSEPH W. SHARTS,
His Counsel.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

**APPLICATION OF DEFENDANT FOR A PUBLIC
HEARING.**

(Filed before date of Trial, May 27, 1924.)

Now comes the defendant and denying the jurisdiction of the court and reserving all questions as to legality and jurisdiction as heretofore, represents to the court that this application is made at this time for the reason that the President of the Court has declined to rule upon the motions and demurrer heretofore filed herein until the date set for trial of this case, wherefore said preliminary questions can not be decided by the court in time to permit of the defendant at that time making the various applications.

The defendant therefore does now request under Canon 31, section 9, that said trial, if it be held, shall be public.

WILLIAM MONTGOMERY BROWN,

By JOSEPH W. SHARTS,
His Counsel.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

SUMMONS, PROOF OF SERVICE OF SUMMONS
AND CERTIFICATE OF CLERK.

(Filed before date of Trial, May 27, 1924.)

Upon the application of the accused I hereby sum-
mon you to appear before the Court on the 27th day of
May, 1924, at 2 P. M., in Trinity Cathedral Hall, in the
City of Cleveland, Ohio, to testify for him in the above
entitled case, and to attend the Court daily until dis-
charged.

(Signed) JOHN G. MURRAY,
President of the Court.

Service of above summons upon me admitted this
..... day of May, 1924.
.....

CERTIFICATE OF THE CLERK.

I, Charles C. Bubb, Clerk of the Court for the Trial
of a Bishop, In the Matter of the Presentment of Bishop
William Montgomery Brown, do hereby certify that the
above is a true copy of the Summons issued to each of
the following named persons and receipt thereof was
duly acknowledged by such as are indicated, prior to the
date of the convening of the Court.

CHARLES C. BUBB.

September 27th, 1924.

<i>Name</i>	<i>Service admitted</i>
Ethelbert Talbot, Bp. of Bethlehem	May 7th, 1924
James Steptoe Johnson, Bishop	May 9th, 1924
Boyd Vincent, Bp. So. Ohio	May 7th, 1924
William Andrew Leonard, Bp. Ohio	May 7th, 1924

<i>Name</i>	<i>Service admitted</i>
Anson Rogers Graves, Rtd. Bishop	May 9th, 1924
William Ford Nichols, Bp. California	.....
David Sessums, Bp. Louisiana	May 7th, 1924
George Herbert Kinsolving, Bp. Texas	May 8th, 1924
Lemuel Henry Wells, Rtd. Bishop	May 9th, 1924
Thomas Frank Gailor, Bp. Tennessee	May 6th, 1924
William Lawrence, Bp. Massachusetts	May 6th, 1924
Joseph Blount Cheshire, Bp. N. Carolina	May 6th, 1924
John Hazen White, Bp. Northern Indiana	May 7th, 1924
Peter Trimble Rowe, Bp. Alaska	May 9th, 1924
Lewis William Burton, Bp. Lexington	May 7th, 1924
Joseph Horsfall Johnson, Bp. Los Angeles	.....
James Dow Morrison, Rtd. Bishop	May 7th, 1924
Chauncey Bunce Brewster, Bp. Connecticut	May 7th, 1924
Junius Moore Horner, Bp. Asheville	.....
Lucien Lee Kinsolving, Bp. Southern Brazil	.....
William Hall Moreland, Bp. Sacramento	May 9th, 1924
Theodore Nevin Morrison, Bp. Iowa	May 14th, 1924
Sidney Catlin Partridge, Bp. West Missouri	May 10th, 1924
Charles Palmerston Anderson, Bp. Chicago	May 7th, 1924
Reginald Heber Weller, Bp. Fond du Lac	May 7th, 1924
Cameron Mann, Bp. So. Florida	May 8th, 1924
Charles Henry Brent, Bp. Western New York	May 9th, 1924
Frederick Burgess, Bp. Long Island	May 8th, 1924
Henry Bond Restarick, Rtd. Bp. Hawaiian Islands	.....
Charles Minnigerode Beckwith, Bp. Alabama	May 19th, 1924
Sheldon Munson Griswold, Suff. Bp. Chicago	May 7th, 1924
Edward Fawcett, Bp. Quincy	May 7th, 1924
Richard Henry Nelson, Bp. Albany	May 8th, 1924

<i>Name</i>	<i>Service admitted</i>
Edward William Osborne, Rtd. Bishop	.....
Albion Williamson Knight, Bishop	May 13th, 1924
Charles Edward Woodcock, Bp. Kentucky	May 8th, 1924
James Henry Darlington, Bp. Harrisburg	May 6th, 1924
Frederick Foote Johnson, Coadj. Bp. Missouri	May 8th, 1924
William Walter Webb, Bp. Milwaukee	May 9th, 1924
Beverley Dandridge Tucker, Bp. So. Virginia	May 8th, 1924
William Alexander Guerry, Bp. South Carolina	May 10th, 1924
Nathaniel Seymour Thomas, Bp. Wyom- ing	May 9th, 1924
Arthur Selden Lloyd, Suff. Bp. New York	May 7th, 1924
George Allen Beecher, Bp. Western Ne- braska	May 7th, 1924
James DeWolf Perry, Jr., Bp. Rhode Is- land	May 8th, 1924
Julius Walter Atwood, Bp. Arizona	May 9th, 1924
Louis Childs Sanford, Bp. San Joaquin	May 9th, 1924
Theodore Payne Thurston, Bp. Oklahoma	May 9th, 1924
James Ridout Winchester, Bp. Arkansas	May 9th, 1924
Thomas Frederick Davies, Bp. Western Massachusetts	May 7th, 1924
Philip Mercer Rhineland, Rtd. Bishop	May 8th, 1924
Thomas James Garland, Bp. Pennsyl- vania	May 6th, 1924
Harry Sherman Longley, Bp. Coad. Iowa	May 10th, 1924
Frank Arthur McElwain, Bp. Minnesota	May 8th, 1924
Theodore Irving Reese, Bp. Coad. South- ern Ohio	May 7th, 1924
Samuel Gavitt Babcock, Suff. Bp. Massa- chusetts	May 1924
John Poyntz Tyler, Bp. North Dakota	May 7th, 1924
Frederick Bingham Howden, Bp. New Mexico	May 1924
William Theodotus Capers, Bp. West Texas	.....

<i>Name</i>	<i>Service admitted</i>
William Cabell Brown, Bp. Virginia	May 10th, 1924
Paul Jones, Rtd. Bishop	May 6th, 1924
Walter Taylor Sumner, Bp. Oregon	May 12th, 1924
Thomas Campbell Darst, Bp. East Carolina	May 7th, 1924
Paul Matthews, Bp. New Jersey	May 13th, 1924
George Yemens Bliss, Bp. Coad. Vermont	May 8th, 1924
Charles Fiske, Bp. Central New York	May 8th, 1924
Wilson Reiff Stearly, Bp. Coad. Newark	May 7th, 1924
Edward Campion Acheson, Suff. Bp. Connecticut	May 1924
James Wise, Bp. Kansas	May 14th, 1924
Hugh Latimer Burleson, Bp. South Dakota	May 1924
Irving Peake Johnson, Bp. Colorado	May 10th, 1924
Frank Hale Touret, Bp. Idaho	.....
Edwin Warren Saphore, Suff. Bp. Arkansas	May 16th, 1924
Arthur Conover Thomson, Bp. Coad. Southern Virginia	May 7th, 1924
Harry Tunis Moore, Bp. Dallas	May 15th, 1924
Henry Judah Mikell, Bp. Atlanta	May 7th, 1924
William Proctor Remington, Bp. Oregon (Eastern)	May 10th, 1924
Robert Le Roy Harris, Bp. Marquette	May 15th, 1924
Edward Thomas Demby, Suff. Bp. Arkansas	May 9th, 1924
Clinton Simon Quin, Bp. Coad. Texas	May 9th, 1924
Henry Beard Delany, Suff. Bp. North Carolina	May 6th, 1924
William Mercer Green, Bp. Coad. Mississippi	May 14th, 1924
Ernest Vincent Shayler, Bp. Nebraska	.....
Edward Lambe Parsons, Bp. Coad. California	May 9th, 1924
Robert Carter Jett, Bp. Southwestern Virginia	May 8th, 1924
Arthur Wheelock Moulton, Bp. Utah	May 8th, 1924

<i>Name</i>	<i>Service admitted</i>
George William Davenport, Bp. Easton	May 12th, 1924
William Bertrand Stevens, Bp. Coad. Los Angeles	May 10th, 1924
David Lincoln Ferris, Suff. Bp. Western New York	May 7th, 1924
Philip Cook, Bp. Delaware	May 6th, 1924
Herbert Henry Haywood Fox, Suff. Bp. Montana	May 8th, 1924
Granville Gaylord Bennett, Bp. Duluth	.....
Robert Herbert Mize, Bp. Salina	May 8th, 1924
Kirkham George Finlay, Bp. Upper South Carolina	May 7th, 1924
William Thomas Manning, Bp. New York	May 19th, 1924
Fred Ingley, Bp. Coad. Colorado	May 8th, 1924
John Chamberlain Ward, Bp. Erie	May 7th, 1924
Herbert Shipman, Suff. Bp. New York	May 6th, 1924
Frank Du Moulin, Bp. Coad., Ohio	May 15th, 1924
Rev. Elwood Worcester, Boston, Mass.	May 26th, 1924
Rev. Truman Heminway, Providence, R.I.	May 26th, 1924
Rev. Leighton Parks, New York City	May 23rd, 1924
Rev. Percy S. Grant, New York City	.....
Rev. Karl Reiland, New York City	.....
Rev. William Norman Guthrie, New York City	May 24th, 1924

**FIRST, SECOND AND THIRD MOTIONS AND
DEMURRER TO PRESENTMENT.**

(Filed before date of Trial, May 27, 1924.)

FIRST MOTION.

Now comes the defendant by his counsel, and entering appearance only for the purpose of denying the jurisdiction of this court, files this his motion to dismiss the pretended Presentment filed against him herein, for the reasons following:

1. This court is irregularly constituted, contrary to Canon 29, in that three of its members, to-wit, the Bishops of Mississippi, Maine, and Montana respectively, were elected out of the proper time and for a term not authorized by said Canon; and therefore no such court as is provided for the trial of a bishop, according to the constitution and Canon law, now exists.

2. This court has no jurisdiction of the person of the defendant.

3. This court has no jurisdiction of the subject matter of the pretended Presentment.

JOSEPH W. SHARTS,
Counsel for Bishop Brown.

SECOND MOTION.

In the event said motion be overruled, and only in that event, the defendant, reserving his exception to said ruling, does then and upon that contingency move the court to quash the pretended Presentment herein upon the grounds and for the reasons following:

1. Said Presentment has been filed in disregard of the Canon law.

2. Said Presentment is void for uncertainty, in that it fails to set forth with sufficient particularity to apprise defendant of the nature of the charges made against him, and to enable him to prepare his defense, the following matters:

a. The points of Doctrine alleged to have been controverted, and in what respects.

b. Wherein the alleged heretical statements are contrary to any Doctrine contained in the Book of Common Prayer, and in what respects.

c. Wherein same are contrary to any Doctrine contained in the Apostles Creed, and in what respects.

d. Wherein same are contrary to any doctrine contained in the Nicene Creed, and in what respects.

JOSEPH W. SHARTS,

Counsel for Bishop Brown.

THIRD MOTION.

In the event said first and second motions be overruled, the defendant, reserving his exception to said ruling, does then and upon that contingency move the court further as follows:

To require the prosecuting officer (church advocate) to give him a bill of particulars in the following, to-wit:

a. Setting forth the points of Doctrine alleged to have been controverted by the alleged statements of defendant, and in what respects.

b. Setting forth those parts of the Book of Common Prayer which the prosecution alleges to be the Doctrine of the church, and in what respects the alleged statements are contrary thereto.

c. Setting forth those parts of the Apostles Creed which the prosecution alleges to be the Doctrine of the church, and in what respects the alleged statements are contrary thereto.

d. Setting forth those parts of the Nicene Creed which the prosecution alleges to be the Doctrine of the church, and in what respects the alleged statements are contrary thereto.

JOSEPH W. SHARTS,

Counsel for Bishop Brown.

DEMURRER TO PRESENTMENT.

In the event said motions be overruled, the defendant, reserving his exception to said rulings and each of them, does then and upon that contingency demur to the Presentment upon the grounds and for the reasons following:

1. This court has no jurisdiction of the person of the defendant.

2. This court has no jurisdiction of the subject matter of the Presentment.

3. The said Presentment fails to set forth with sufficient particularity to apprise defendant of the nature of the charges against him or to enable him to prepare his defense, the following matters:

a. The points of Doctrine alleged to have been controverted, and in what respects.

b. Wherein the alleged heretical statements are contrary to any Doctrine contained in the Book of Common Prayer, and in what respects.

c. Wherein same are contrary to any Doctrine contained in the Apostles Creed, and in what respects.

d. Wherein same are contrary to any Doctrine contained in the Nicene Creed and in what respects.

4. Said Presentment does not set forth facts constituting an offense against the Doctrine of the church.

JOSEPH W. SHARTS,

Counsel for Bishop Brown.

**CREDENTIALS OF HENRY D. HARLAN, RICHARD
INGLIS, CHARLES L. DIBBLE, JOHN H. SMART
AND JOSEPH W. SHARTS.**

(Filed May 27, 1924.)

EMMANUEL CHURCH PARISH HOUSE
811 Cathedral Street
Baltimore

May 26th, 1924.

This is to certify that Henry D. Harlan is a communicant in good standing of Emmanuel Church, in the City of Baltimore, Diocese of Maryland.

HUGH BIRCKHEAD,
Rector.

This is to certify that Richard Inglis is a communicant in good standing of St. James Church, Cleveland, Ohio, Diocese of Ohio.

V. A. PETERSON,
Rector.

JOSEPH W. SHARTS
Attorney at Law
805-806 Commercial Building
Northeast Corner Fourth and Ludlow
Dayton, Ohio

May 27, 1924.

This is to certify that I, the undersigned, Jos. W. Sharts, am now and ever since the year 1890 have been a Communicant of Christ Church in the Southern Diocese of Ohio, of the Protestant Episcopal Church of the United States of America.

JOSEPH W. SHARTS.

In the Name of The Father, And of The Son, and of the Holy Ghost. Amen.

We do Certify: That, after the example of the Holy Apostles, and in accordance with the universal practice of the Holy Catholic Church, by the laying on of our hands, we did administer to Joseph William Sharts the Sacramental Rite of Confirmation wherein were conveyed the Sevenfold Gifts of the Holy Spirit; which administra-

tion was upon the 13th day of April in the Year of our Lord, One Thousand Eight Hundred and Ninety, in Christ Episcopal Church, Dayton, in the Diocese of Southern Ohio.

BOYD VINCENT,

Assistant Bishop of Southern Ohio.

Presented by the Rev. Herbert J. Cook.

This information is taken from the Records of Christ Episcopal Church this 21st day of March, 1924.

I, JAMES HORTON BISHOP, hereby certify that I am a priest in the Protestant Episcopal Church in the United States of America, and am rector of Saint Luke's parish in the City of Kalamazoo, Michigan, and Diocese of Western Michigan.

I further certify that Charles Lemuel Dibble is a communicant of the said Protestant Episcopal Church in the United States of America, and a member of said parish of Saint Luke's.

In witness whereof, I have hereunto set my hand, this 23rd day of May, A. D. 1924, at the City of Kalamazoo, Michigan.

JAMES HORTON BISHOP.

REV. W. GUY RAINES

Grace Church Rectory

Willoughby, Ohio

May 26, 1924.

My Dear Mr. John H. Smart:

You are recorded upon the parish register of Grace Church as being confirmed by Bishop Leonard on the twelfth day of November in the year of our Lord, 1890.

As a communicant of Grace Church you are numbered amongst my parishoners, entitled to receive the spiritual ministrations of the Rector and all comforts and blessings of the Faith you have professed.

Faithfully your Rector,

W. GUY RAINES.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

MOTION (AND AFFIDAVIT) TO PERMIT EXAMINATION OF MEMBERS OF THE COURT.

(Filed May 28, 1924.)

Now comes the defendant and denying the jurisdiction of the court and reserving all questions as to the legality of the constitution of the court and its jurisdiction moves the court to permit defendant to examine each member of the court upon his *voir dire* to determine whether there is cause to challenge such member on account of disqualification to sit in this action.

And for cause defendant says:

Defendant is without means of knowing any of the following facts as to any of the Bishops sitting in this court, with one exception:

(a) Whether such Bishop has expressed at any time an opinion as to the guilt or innocence of this defendant on any of the charges alleged against him in the presentment;

(b) Whether such Bishop has formed an opinion as to defendant's guilt or innocence;

(c) Whether such Bishop has read the book "Communism and Christianity" on which the presentment is based, and, if he has read it, has formed an opinion as to the teachings of said book;

(d) Whether such Bishop has a feeling of prejudice or animosity against this defendant or for any other reason is not able to exercise a fair and impartial judgment as to the matters at issue in this case;

The members of this court sit as Judges both of fact and of law, having therefore the functions of a jury as well as of a court. At common law and by the law of

the State of Ohio defendant has the right to challenge for cause on the grounds herein set forth, and demands the same right in this hearing in accordance with the Canon Law under which it is held.

Defendant has reason to believe that of the eight Bishops sitting in this case there are one or more who, for the reasons indicated herein, cannot exercise a fair and impartial judgment. Defendant has made written inquiry on this subject from each of the Bishops sitting in this case but has not received answer from any of them, except the Bishop of Mississippi.

JOSEPH W. SHARTS,

Attorney for Defendant.

STATE OF OHIO,
CUYAHOGA COUNTY, SS.

WILLIAM MONTGOMERY BROWN, being first duly sworn, says that the allegations of the foregoing Motion and Affidavit are true as he verily believes.

WM. M. BROWN.

Sworn to before me and subscribed in my presence at Cleveland, Ohio, this 28th day of May, 1924.

EDW. BUSHNELL,

(Notarial Seal)

Notary Public.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

MOTION FOR APPOINTMENT OF COMMISSIONERS
AND FOR A CONTINUANCE.

(Filed May 28, 1924.)

1. Defendant moves the Court to rule upon and grant the application heretofore, to-wit, on or about May 1st, 1924, filed with the Presiding Bishop of the Court for the appointment of a Commissioner or Commissioners to take the testimony of sundry witnesses therein named, on behalf of defendant.

Defendant represents to the Court that said application for said appointment was at the time of said filing reserved by said Presiding Bishop for the action of the Court when convened;—that defendant by said ruling and reservation was prevented from obtaining the testimony of his witnesses for this trial in the form of depositions; that defendant thereupon filed with said Presiding Bishop an application for summons to issue for said witnesses and others to attend in person at said trial to testify on behalf of defendant; that said summons were accordingly issued; but that none of said witnesses so summoned on behalf of defendant have appeared, nor can their attendance be procured; that all of said witnesses reside outside of this diocese and this state; and their evidence is material; that defendant is therefore unable to present evidence in his behalf either by the depositions or the oral testimony of said witnesses; and has been deprived of due process of law; and will continue to be unless said application be now granted.

2. Defendant further moves the Court to continue the hearing herein until such time as will permit of the securing of said depositions.

JOSEPH W. SHARTS.
Attorney for Defendant.

STATE OF OHIO,
COUNTY OF CUYAHOGA, SS.

Joseph W. Sharts, being duly sworn, says he is the attorney for defendant, and that the allegations of the foregoing are within his personal knowledge and are matters of record with the Court, and are true as he verily believes.

JOSEPH W. SHARTS.

Sworn to and subscribed before me and in my presence this 28th day of May, 1924.

EDWARD BUSHNELL,
(Notarial Seal) *Notary Public.*

MEMORANDUM.

CANON, 31 Sec. III, (Page 97):—

“* * * and the laws of the State in which such trial is held, so far as they relate to the law of evidence, shall be adopted, and taken as the rules by which said Court shall be governed * * *.”

“* * * And in case there is ground to suppose that the attendance of any witness on the trial can not be obtained, it shall be lawful for either party to apply to the Court, if in session, or, if not, to any member thereof, who shall thereupon appoint a Commissioner to take the deposition of such witness.”

It is apparent, therefore, the laws of the State of Ohio, unless expressly modified by canon law, must control in the taking of depositions.

Sec. 11526 G. C.—“Either party may commence taking testimony by deposition at any time after service upon the defendant.”

Sec. 13668 G. C.—“When an issue of fact is joined upon an indictment and a material witness for the defendant or for the state resides out of the state, or, residing within the state, is sick or infirm or about to leave the state or is confined in prison, such defendant or the prosecuting attorney may apply, in writing, to the court or the judge thereof in vacation, for a commission to take the deposition of such witness or witnesses. The court or judge may grant such commission and make an order stating in what manner and for what length of time notice shall be given to the prosecuting attorney or to the defendant before such witness or witnesses shall be examined. (103 v. 443, Sec. 1; R. S. Sec. 7293.)”

CORRESPONDENCE BETWEEN CHURCH ADVOCATE, BISHOP MURRAY AND COUNSEL FOR ACCUSED.

(Filed May 29, 1924.)

(Sharts to Murray)

April 7, 1924.

Bishop Murray,
President of the
Protestant Episcopal
Church of the United States
of America.

Sir:

As counsel for Bishop William Montgomery Brown I herewith file with you motions and a demurrer in the matter of the Presentment of Bishop Brown. Because of the extremely short time (the minimum allowed by Canon Law) we have put these motions and demurrer together. The usual procedure would have been to have filed the first, questioning the court's jurisdiction, and when that was overruled, to have filed the second motion, and if that were overruled, to have filed the third, and if all were overruled, then to have filed the demurrer. We cannot exhaust the time, however, before trial in filing our motions and demurrer, because if we do not prevail upon any or all of these, we must prepare our testimony. That testimony will include the depositions of most of the Bishops of the church, and we therefore need all of the time possible.

I am therefore respectfully requesting that you obtain a ruling of your court on these motions and demurrer as quickly as can be properly done.

Of course I am preparing, with the aid of associate counsel, a brief in support of these motions and demurrer. The brief will be filed with you within a few days, as quickly as it can be completed.

We are sending copies of this motion and this letter to Mr. Dibble, church advocate.

Yours respectfully,

JOSEPH W. SHARTS.

JS/LN

(Murray to Sharts)

April 11, 1924.

Mr. Joseph W. Sharts,
Attorney at Law,
805-806 Commercial Building,
Fourth & Ludlow Sts.,
Dayton, Ohio.

Dear Sir:

Your favor of the 7th instant and accompanying enclosures as stated have just been received.

Replying thereto, in my judgment, the Court will not be competent to act upon the Motions and Demurrer you thus file, until it shall have convened and organized for the Trial.

Therefore, without prejudice to Plaintiff or Defendant, as President of the Court, I respectfully decline to take any action in consideration of, or judgment upon, your Motions and Demurrer, or either of them, until the same may be presented and arguments, pro and con, made before the Court in due session organized pursuant to the Canonical Call convening it in Trinity Cathedral Hall, Cleveland, Ohio, at two o'clock P. M., on Tuesday, May 27, 1924.

Most respectfully yours,

JOHN G. MURRAY,
President of the Court.

(Sharts to Murray)

April 22, 1924.

Rt. Rev. John G. Murray,
Bishop of Maryland,
409 N. Charles St.,
Baltimore, Maryland.

Dear Sir:

As counsel for Bishop William Montgomery Brown I herewith enclose an application for the appointment of commissioners to take depositions. I realize that it will be an enormous expense to bring this long array of witnesses personally before the court at Cleveland. Therefore I am making the application to take the depositions of those who live at a distance.

Owing to the extreme shortness of the time which you saw fit to allow us for preparation, and owing also to your refusal to pass upon the jurisdictional questions in advance of the session of the court at Cleveland, we are compelled to rush our preparations. The testimony which we shall require from these witnesses, the Bishops of the Church, covers matters of doctrine and the practical application of the doctrine, and is essential to our defense.

We are proceeding under Canon 31, section 3, for the taking of depositions.

Upon your appointment of commissioners and notice to me of their names and addresses, and the time most suitable for taking the depositions, I shall at once notify the church advocate in a more detailed manner.

Yours truly,

JOSEPH W. SHARTS.

JS-LN

(Sharts to Murray)

April 28, 1924.

Rt. Rev. John G. Murray,
Bishop of Maryland,
409 N. Charles St.,
Baltimore, Md.

Dear Sir:

I enclose herewith the defendant's brief upon the motions heretofore filed in the matter of the Presentment of Bishop William Montgomery Brown. A copy will be furnished to the church advocate.

I also enclose herewith a summons for the witnesses named in the application for a Commissioner to take depositions. I regard this filing of the summons in addition to the application as probably unnecessary, but a formality which I am executing in order that there may be no quibble upon our right to take the testimony of the Bishops named.

Very truly yours,

JOSEPH W. SHARTS,

Counsel for Bishop Brown.

JS/LN

(Sharts to Murray)

April 30, 1924.

Rt. Rev. John G. Murray,
Bishop of Maryland,
409 N. Charles Street,
Baltimore, Maryland.

Dear Sir:

In the matter of the Presentment of Bishop Brown, I mailed you on Monday, April 28, an application or precipe for a summons of witnesses therein named. By oversight that letter went out of my office unregistered. Will you kindly send me an acknowledgment of the receipt of same?

I should also like to know when I may expect a notification from you of the appointment of a Commissioner or Commissioners, in order that we may have our list of interrogatories printed and ready.

Very truly yours,

JOSEPH W. SHARTS.

JS/LN

(Sharts to Dibble)

May 2, 1924.

Hon. Charles Lemuel Dibble,
Attorney at Law,
308 Press Bldg.,
Kalamazoo, Michigan.

Dear Sir:

As church advocate in the matter of the Presentment of Bishop William Montgomery Brown you will be interested in knowing that I have filed with the Presiding Judge of the court an application to take the testimony of a large number of bishops by deposition. I did this knowing that it would be an extraordinary expense to bring them as witnesses. But even the taking of the depositions will be a matter of serious complications unless we agree to waive the appointment of a Commissioner for each witness or for any part of them.

In order to save the expense and delay of such technicalities, will you consent that the list of interrogatories (which we shall have printed in sufficient number) may be forwarded to the witnesses directly, by the court,

without the intervention of a Commissioner or a definite time and place prescribed for each?

I have prepared and am sending to be printed the list of interrogatories, and shall be glad to furnish you with a copy as soon as obtainable. Meantime kindly let me know if you are willing to waive formalities, as otherwise I shall be forced to insist upon the immediate appointment of Commissioners and the taking of these depositions upon a day set. There remains scarcely enough time in which to do this, and therefore an immediate reply will be appreciated.

Very truly yours,

JS/LN

(Murray to Sharts)

May 3, 1924.

Joseph W. Sharts, Esq.,
Attorney at Law,
805-806 Commercial Building,
Fourth & Ludlow St.,
Dayton, Ohio.

Dear Sir:

Replying to yours of the 30th ultimo, the application for summons of witnesses to which you refer as being mailed by you on Monday, the 28th ultimo, was duly received, and I am mailing today summons accordingly to every person named therein, except Bishops Garrett, Weed, Keater, Olmsted, Hunting, and Sherwood, all of whom are deceased.

In the meantime, I have decided to hold in abeyance all action upon your request for the appointment of a Commissioner, or Commissioners, to take the depositions of these witnesses.

Receipt of the request of "the accused" that the trial shall be public, which is his canonical prerogative, is hereby acknowledged and consequently the trial will be so held.

Most sincerely yours,

JOHN G. MURRAY,
President of the Court.

P. S.: You will find enclosed copy of form of summons sent as herein stated.

(Dibble to Sharts)

Joseph W. Sharts, Esq.,
805 Commercial Bldg.,
Dayton, Ohio.

Dear Sir:—

I can see no objection on our part to waiving the appointment of commissioners to take the depositions of the bishops whom you mention in your letter of May 2nd, in the Brown case. I should, however, expect that the matter would be covered by a stipulation in the usual form. This stipulation need not contain any dates or places of taking the depositions. It should, however, contain the names of the bishops whose depositions you wish to take, and there should be annexed to it a copy of the interrogatories. The stipulation should provide that we may prepare and annex to your interrogatories, such cross-interrogatories as we may desire to have answered. If you will prepare and submit to me such a stipulation, I will prepare and annex to it my cross-interrogatories and will return the same to you.

Let me add that the stipulation should also contain a clause saving and reserving to me the right to object to any or all of the questions or answers when the same are read in the court, as fully as though the witnesses were there present and testifying.

Yours very truly,

CHARLES L. DIBBLE.

May 5, 1924.

(Sharts to Dibble)

May 7, 1924.

Mr. Chas. L. Dibble,
Attorney at Law,
308 Press Bldg.,
Kalamazoo, Michigan.

Dear Sir:

Answering your favor of May 5th, I have prepared the enclosed stipulation, to be attached to our list of interrogatories. I cannot at this moment send you the list of interrogatories we are preparing, because they are in the hands of Mr. Bushnell at Cleveland to be printed. I am writing to Mr. Bushnell to include this stipulation on

the printed interrogatories, so that we can save time and clerical work. If you alter it, we can make the proper changes with a pen on the printed forms.

As soon as I have the printed form I shall mail the same to you, containing both the names of the bishops and the complete list of interrogatories. I trust you realize that we shall have great difficulty in getting these depositions back in time for trial. That explains the haste I manifest in the matter.

Hoping to have the pleasure of meeting you at Philippi, I am

Yours truly,

JOSEPH W. SHARTS,

JS/LN

(Sharts to Dibble)

May 9, 1924.

Mr. Chas. L. Dibble,
Attorney at Law,
308 Press Bldg.,
Kalamazoo, Michigan.

Dear Sir:

In compliance with a suggestion from my associate counsel, Mr. Edward Bushnell of Cleveland, I have authorized the printer to modify the stipulation which was mailed to you, so that instead of the interrogatories being mailed to the witnesses after having been sent to the Presiding Judge for him to mail out, they may be returned to us and we will mail them direct to the witnesses. Mr. Bushnell urged this on the ground of our great need of haste, and also the possibility that Bishop Murray is not equipped with office facilities for handling that sort of thing promptly.

The alteration in the stipulation (is being printed with the interrogatories) is as follows:

“That said counsel for defendant thereupon mail the same forthwith to the several witnesses whose testimony is thus required; who are expected to answer same upon the forms provided, and return same forthwith to the Presiding Judge, to-wit: Rt. Rev. John Gardner Murray, D.D., Bishop of Maryland, 409 N. Charles St., Baltimore, Maryland.”

If this alteration does not appear satisfactory to you, we can still send the interrogatories (without changing the printed form) to the Presiding Judge for mailing out.

The interrogatories and the stipulation are being printed at Cleveland, and as soon as finished two copies will be mailed to you containing the names of the witnesses as well as the interrogatories. You can then prepare your cross-interrogatories and, if you think well of the suggestion, have a sufficient number printed, which you can then send to us to be enclosed with the others.

In returning the interrogatories (with your cross-interrogatories) kindly mail them not to me here but to Mr. Edward Bushnell, c/o Messrs. Cook, McGowan, Foote, Bushnell & Burgess, Attorneys at Law, 13th Floor Williamson Bldg., Cleveland, Ohio.

They have the facilities for promptly mailing out the letters.

Very truly yours,

JOSEPH W. SHARTS,

Counsel for Bishop Brown.

JS/LN

(Dibble to Sharts)

Joseph W. Sharts, Esq.,
805 Commercial Bldg.,
Dayton, Ohio.

Dear Sir:—

I have your letter enclosing proposed stipulation in the case of Bishop William Montgomery Brown. You will note in my previous letter that I required to know the names of the proposed witnesses and to have a copy of the interrogatories before stipulating. This is in accordance with the usual practice and I feel that I must insist on it.

I have a hazy idea that Octavianus did something to Brutus at or near Philippi, and that a good many Romans were left dead on the field. I trust that there will be no such gory outcome to the encounter at Cleveland.

Yours very truly,

CHAS. L. DIBBLE.

May 9th, 1924.

(Sharts to Dibble)

May 12, 1924.

Mr. Chas. L. Dibble,
 Attorney at Law,
 308 Press Bldg.,
 Kalamazoo, Michigan.

Dear Sir:

Replying to your favor of May 9th in the case of Bishop Brown, I think you will already have received from Cleveland copies of our interrogatories and names of our witnesses. By my directions a rough copy has been already turned over to your associate, Mr. John Smart.

I should be very glad to have your approval of the stipulation, or rejection of it, as quickly as possible, because it will greatly affect our line of defense.

While I agree with you in hoping there will be no gore shed at Cleveland, I think the fur will fly.

Yours very truly,

JOSEPH W. SHARTS,

JS/LN

(Dibble to Sharts)

Western Union Telegram

M 2813x

1924 May 12 M 4 35

CA 226 80 Blue

FAB ..Mld

Kalamazoo Mich 12 327P

Joseph W Sharts

Attorney 805 Commercial Bldg Dayton Ohio

My associate Smart of Cleveland has sent me copy of interrogatories obtained from Bushnell stop When I agreed conditionally to stipulate I had no idea you intended to make every bishop write an examination in dogmatics stop I do not now feel that I should sign the stipulation and make myself a party to imposing this upon them stop I expect to confer with Smart Wednesday and may change my mind but advise you to proceed to have commissioners appointed

CHARLES L. DIBBLE.

(Dibble to Sharts)
Western Union Telegram

403

HA235 31 Blue

1924 May 14 PM 4 01

Cleveland Ohio 14 446P

Joseph W Sharts
805 Commercial Bldg Dayton Ohio

Referring to my wire of May twelfth regarding depositions stop After conference with Mr Smart have decided not to change my decision of Monday and do not care to sign stipulation

CHARLES L. DIBBLE.

(Dibble to Sharts)
SMART, FORD, TAYLOR & HASSELMAN
Attorneys and Counselors at Law
1716-18 B. F. Keith Building
Cleveland

May 14, 1924.

Mr. Joseph W. Sharts,
Attorney-at-Law,
Dayton, Ohio.

Dear Sir:

Confirming my wires of May 12th and of today, which are as follows:

WESTERN UNION DAY LETTER

May 12, 1924.

Joseph W. Sharts, Attorney,
805 Commercial Bldg.,
Dayton, Ohio.

My associate Smart of Cleveland has sent me copy of interrogatories obtained from Bushnell (stop) When I agreed conditionally to stipulate, I had no idea you intended to make every bishop write an examination in dogmatics (Stop) I do not now feel that I should sign the stipulation, and make myself a party to imposing this upon them (stop) I expect to confer with Smart Wednesday and may change my mind, but advise you to proceed to have commissions appointed.

CHARLES L. DIBBLE.

WESTERN UNION DAY LETTER

(Day letter)

Mr. Joseph W. Sharts,
805 Commercial Bldg.,
Dayton, Ohio.

Referring to my wire of May twelfth regarding depositions stop After conference with Mr. Smart have decided not to change my decision of Monday and do not care to sign stipulation stop.

CHARLES L. DIBBLE.

Mr. Smart advised me that on Monday, May 12, at 4:30 P. M. he received a copy of the printed interrogatories. The copy of the interrogatory referred to in my wire of May 12th, was obtained by Mr. Smart from Mr. Bushnell's office on Saturday afternoon. Mr. Smart sent the copy to me at once, by special delivery letter, and I received it Sunday evening, May 11th. Mr. Smart tells me that Mr. Bushnell's office delivered two other copies to him Monday afternoon, May 12th, and informed him at the time that these copies had just been obtained from the printer, and that they were just off the press. Consequently I feel assured that I have not occasioned you any delay, or that my previous effort to assist you in expediting the taking of such depositions by such stipulation, and my refusal to sign such stipulation upon examination of the interrogatory has not occasioned you any delay in taking the depositions.

Yours very truly,

CHARLES L. DIBBLE.

(Sharts to Murray)

May 20, 1924.

Bishop John G. Murray,
Bishop of Maryland,
409 N. Charles St.,
Baltimore, Maryland.

Right Rev. and Dear Sir:

I enclose herewith an additional list of names of witnesses to be summoned on behalf of the defendant. Your decision to leave the question of depositions to be determined by the tribunal when it sits has placed us in

a position where we have every reason to doubt our obtaining testimony to substantiate our claims. I have received further a letter from Mr. Dibble, the Church Advocate, saying he was recommending to the Court also not to summon the witnesses that we had already subpoenaed, except a few of them at first. Let me state most emphatically that when the Court undertakes to pick witnesses for us, we shall be in a position where the last semblance of fairplay and common justice will have disappeared.

You have thus far complied with every suggestion to our detriment offered by the Church Advocate, exactly as if he were in authority. When we asked in consideration of Bishop Brown's ill health and his wife's serious illness to have the trial at Galion, you rejected that in favor of the Church Advocate's request that it be held at Cleveland. When we asked the maximum time to prepare for this enormous matter, in order that we might properly find out our best evidence, and prepare ourselves, you rejected that in favor of Mr. Dibble's request for the minimum time. Therefore I have no doubt you will comply with his request to have only a few witnesses brought on our behalf "at first." But if you do, and our protests are unheeded, then at least we want these witnesses whose names are enclosed herewith.

This is not to be understood as acquiescing in the least in the request of the Church Advocate.

Very truly yours,

JS/LN

JOSEPH W. SHARTS.

(Murray to Sharts)

409 N. Charles St.,
Baltimore, Md.,
May 22, 1924.

Joseph W. Sharts, Esq.,
Attorney at Law,
805-806 Commercial Building,
Fourth & Ludlow Sts.,
Dayton, Ohio.

Dear Sir:

I have your favor of the 20th instant, and in reply beg to say:

1. That, in accordance with your request, I am sending summons today to Reverends Dr. Worcester, Dr. Parks, Dr. Grant, Dr. Reiland, Mr. Heminway, Mr. Guthrie.

2. That all witnesses whose names you have furnished me to date were summoned by me in every case upon the day your request was received by me, and that my reply to the Church Advocate's suggestion regarding action upon my part qualifying any summons sent was that in my judgment it is not the prerogative of the Court to attempt to interpret for the parties summoned their duty in the matter.

3. That I have received no suggestions from the Church Advocate which could reasonably be interpreted as detrimental to the defendant, and, furthermore, that my action as President of the Court has not been based upon any correspondence or conference with or suggestions made by the Church Advocate any more than with yourself. All decisions and action have been the result of my correspondence with the other members of the Court and under the advice and counsel of our Assessors.

The Church Advocate's request had absolutely no influence in the selection of Cleveland for the place of trial, in the setting of the date of trial, or with any feature relating to the arrangements for the trial—either general or particular. We select Cleveland to favor Bishop Brown.

4. That I consider your following quoted statement "therefore I have no doubt you will comply with his (the Church Advocate) request to have only a few witnesses brought in our behalf at first" an unwarranted inference upon your part and a discourteous imputation.

Your accusations suggest the propriety of a statement upon my part, as President of the Court, which ordinarily should seem to be absolutely unnecessary, which is that the Court has no more alliance with the Presentors and the Church Advocate than with the Accused and his Counsel, has not in its preliminary proceedings been influenced in the discharge of its duty by the suggestions of either party, and will not be so influenced in its future consideration of the case and its conscientious endeavor to reach a decision in accordance with the law and evidence.

Any attempt of either party to the case, now or hereafter, to create a different impression can be inspired only by a desire to misrepresent the Court and to confuse the public mind regarding the true issue of the case.

Sincerely yours,

(Signed) JOHN G. MURRAY,
President of the Court.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

**AFFIDAVIT IN SUPPORT OF MOTION FOR
CONTINUANCE.**

(Filed May 29, 1924.)

Joseph W. Sharts, being first duly sworn, says that he is counsel for the defendant, William Montgomery Brown; that he has reason to believe and does believe that each one of the witnesses, whose names are included in the application to take depositions of witnesses on defendant's behalf herein, would, if present at the trial or if inquired of by deposition, testify that he is a bishop of the Protestant Episcopal Church in the United States of America, of mature age, a resident of a state other than the State of Ohio, and that since ordination as bishop he has had jurisdiction over some diocese or dioceses of said church; and that by virtue of such education and experience he is qualified to testify as to the doctrines of the said Protestant Episcopal Church.

There is attached to this affidavit, marked Exhibit A, a list of interrogatories some or all of which would be propounded to such witnesses if present at the trial or if his deposition were taken, and it is the belief of the defendant, and my belief, that in answer to the following specified interrogatories each of said specified witnesses would give the answers respectively appended thereto, to wit:—

Q. 5. Wherein are the doctrines of the Protestant Episcopal Church set forth?

A. In the holy scriptures.

(Our reason for expecting this answer is that Article 6 of the Articles of Religion set forth as follows:—
“Holy Scripture containeth all things necessary to salvation so that whatsoever is not read therein nor may be proved thereby is not to be required of any man that it

should be believed as an article of faith or thought to be necessary to salvation.”)

And as further answer that the doctrines of the church are not confined to the prayer book nor even to the bible but are that great body of teachings of the church consisting of official utterances on belief coming down through nearly two thousand years, including not only the scriptures but the sayings and traditions of the apostles, of the early fathers of the church such as St. Augustine, Jerome, Irenaeus and others; also ecclesiastical documents which set forth by authority of church and state the teachings of the church during the reformation period or since; also journals of the general conventions wherever they touch upon the subject of belief or teachings; also every utterance by authorized spokesmen of the church speaking officially from an official rostrum of the church.

My reasons for believing that the above answer will be given by the said witnesses are that numerous statements to that effect have appeared purporting to come from the clergy of this church, reported in the daily press, in magazines, and journals of the country generally, all tending to show that the conception of the great mass of clergy as to what constitutes the doctrine of the church is as above set forth.

Q. 7.

(Answer Expected) By the change in the opinion of the church's clergy and bishops.

Q. 8.

(Answered Expected) Many changes during each period.

Q. 9.

(Answer Expected) No.

Q. 16.

(Answer Expected) No.

Q. 17.

(Answer Expected) Some literally and some symbolically.

Q. 18.

(Answer Expected) No authority is specifically vested with such power.

Q. 19.

(Answer Expected) Yes.

Q. 20.
(Answer Expected) No. (Answer to second part of question) None.

Q. 21.
(Answer Expected) No.

Q. 22.
(Answer Expected) By the individual judgment of the clergy.

Q. 23.
(Answer Expected) Yes.

Q. 24.
(Answer Expected) Symbolical.

Q. 25.
(Answer Expected) No authority specifically possesses such power.

Q. 26.
(Answer Expected) Yes.

Q. 27.
(Answer Expected) Symbolically.

Q. 28.
(Answer Expected) No authority is specifically possessed of such power.

Q. 29.
(Answer Expected) There is no authoritative statement of doctrine on this question because Article 20 forbids the decree of anything to be believed for necessity of salvation which is outside of the scripture or which could not be ordained as contrary to God's word written without making one place of scripture repugnant to another.

Q. 33.
(Answer Expected) No.

Q. 34.
(Answer Expected) No.

Q. 35.
(Answer Expected) We may so look.

Q. 36.
(Answer Expected) The holy scriptures.

Q. 37.
(Answer Expected) In a figurative or symbolic sense.

Q. 38.

(Answer Expected) Yes, because there is no authority which has decreed what may or may not be taken in a symbolic sense.

Q. 40.

(Answer Expected) There is no expressed statement of doctrine.

Q. 42.

(Answer Expected) No.

Q. 44.

(Answer Expected) No. Because of articles that have appeared in numerous publications of the church and by leading spokesmen of the church, including the Encyclopedia Britannica.

Q. 45.

(Answer Expected) No. Because of the advance of scientific knowledge upon the natural laws which control this world.

As to all answers wherein no other reason is specified, my reason for expecting that answer is that numerous articles appearing in newspapers, magazines, works of scientists, etc., show that the general modern conception of educated men is along the line indicated.

JOSEPH W. SHARTS.

State of Ohio,
Cuyahoga County, ss.

Sworn to before me and subscribed in my presence by said Joseph W. Sharts, this 29th day of May, 1924.

EDWARD BUSHNELL,
Notary Public.

EXHIBIT A.

(Attached to the foregoing affidavit of defendant.)

IN THE BISHOPS COURT
OF THE PROTESTANT EPISCOPAL CHURCH
FOR THE UNITED STATES OF AMERICA.

IN THE MATTER OF THE PRESENTMENT OF BISHOP WILLIAM MONTGOMERY BROWN.	} LIST OF INTERROGATORIES PROPOUNDED ON BEHALF OF DEFENDANT.
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DECLARATION TO BE SIGNED BY WITNESS.

I,, a witness summoned to testify by deposition on the trial of a Presentment against Right Reverend William Montgomery Brown, a bishop of the Protestant Episcopal Church in the United States, now pending, do most solemnly call God to witness that the evidence I am about to give shall be the truth, the whole truth, and nothing but the truth; so help me God.

.....

INTERROGATORIES.

Q. 1. State your name, age, residence and occupation?

Q. 2. Are you a bishop of the Protestant Episcopal Church in the United States of America?

Q. 3. If yes, since your ordination as bishop in what diocese or dioceses, and during what periods have you had jurisdiction?

Q. 4. What is the Protestant Episcopal Church of the U. S. A.?

Q. 5. Wherein are the doctrines of the Protestant Episcopal Church set forth?

Q. 6. By whom were they determined, and under what sanction set forth?

Q. 7. By what method have changes been made, or can they be made, in the doctrines of the Protestant Episcopal Church?

Q. 8. What changes, if any, have been made in the said doctrines during the last 25 years? In the last 300 years?

Q. 9. In your opinion are the said doctrines as now constituted permanent, perfect, and immutable?

Q. 10. Do you accept and teach all of the doctrines of the Protestant Episcopal Church of the U. S. A.?

Q. 11. Do all bishops of said church accept and teach the same doctrines?

Q. 12. Are all of said doctrines of equal rank and importance?

Q. 13. If no, how is their respective rank determined?

Q. 14. The Book of Common Prayer referred to in the Presentment in this case, contains a chapter entitled: "Articles of Religion;—as established by—the Bishops, the Clergy and the Laity—of—the Protestant Episcopal Church—in the United States of America,—in Convention,—on the Twelfth Day of September,—in the Year of our Lord—1801." Are these Articles included in the essential doctrine of the Protestant Episcopal Church of the U. S. A.?

Q. 15. Is your answer to question 14 merely an expression of your personal opinion, or is it founded upon authority? If the latter, upon what authority?

Q. 16. Has there been any change in these Articles since their establishment 123 years ago?

Q. 17. If any or all of the statements of the Articles are included in the doctrines of the Church, are they taken in a literal sense, or in a symbolic sense, or some literal and some symbolical?

Q. 18. If any are taken in a symbolical sense, what authority has been or is now vested with power to determine which are symbolical and to interpret such?

Q. 19. Article IV of the Article states as follows:

"Christ did truly rise again from death, and took again his body, with flesh, bones, and all things appertaining to the perfection of Man's nature; wherewith he ascended into Heaven, and there sitteth, until he return to judge all Men at the last day."

Is that statement included in the essential doctrine of the Protestant Episcopal Church of the U. S. A.?

Q. 20. If yes, is it included in a literal sense? What authority has so decided?

Q. 21. Article XVIII of the Articles states as follows:

“They also are to be had accursed that presume to say, That every man shall be saved by the Law or Sect which he professeth, so that he be diligent to frame his life according to that Law, and the light of Nature. For Holy Scripture doth set out unto us only the name of Jesus Christ, whereby men must be saved.”

Is it a part of the doctrine of the Protestant Episcopal Church that “they who presume to say” the thing set forth in said Article are to be accursed?

Q. 22. If no, how shall it be determined what part of the Articles is, and what not, included in the doctrine of the Church?

Q. 23. Is the belief in “the resurrection of the body” as expressed in the Apostles’ Creed included in the essential doctrine of the Church?

Q. 24. If yes, are the quoted words to be taken literally or symbolically? If symbolically, what authority has so decided, and just what is the meaning?

Q. 25. What authority of the Church has power to determine what part of the Apostles’ Creed is to be taken symbolically and what literally?

Q. 26. Is the statement of the Nicene Creed that God is “the maker of all things visible and invisible” a part of the doctrine of the Protestant Episcopal Church?

Q. 27. If yes, are the quoted words to be taken literally or symbolically? If symbolically, what authority has so decided?

Q. 28. What authority of the Church has power to determine what part of the Nicene Creed is to be taken symbolically and what literally?

Q. 29. What is the doctrine of the Protestant Episcopal Church in the U. S. A. on the question whether or not its divinity is a symbol of humanity?

Q. 30. Wherein is that doctrine contained?

Q. 31. What is the doctrine of the Protestant Episcopal Church on the question whether or not the god of Christianity is an unreal imaginary spirit, a magnified man without a body?

Q. 32. Wherein is that doctrine contained?

Q. 33. Do you believe that the doctrinal sources to which you refer are susceptible of none save a literal interpretation, and that a symbolical meaning can not be attached to them?

Q. 34. Is such the belief of a majority of the Bishops of your Church ?

Q. 35. What is the doctrine of the Protestant Episcopal Church as to whether we may hopefully look to a lamb of god for the taking away of the sins of the world?

Q. 36. Wherein is that doctrine contained?

Q. 37. Are the statements on that subject of the doctrinal source to which you have referred to be accepted in a literal or in a figurative or symbolic sense?

Q. 38. If the phrase "Lamb of God" may properly be taken in a symbolic sense only, is it not equally permissible to accept the phrase "Son of God" in a symbolic sense only?

Q. 39. If your answer to Q. 38 be no, upon what doctrinal source do you rely?

Q. 40. What is the doctrine of the Protestant Episcopal Church on the question whether gods in the skies (Jesus, Jehovah, etc.) are objective realities rather than subjective symbols of human potentialities and attributes, and of natural laws?

Q. 41. Wherein is that doctrine contained?

Q. 42. The 9th count of the Presentment in this case, quotes the following utterance of the defendant:

"As an objectivity there is no such divinity" (meaning thereby the Triune God, Father, Son and Holy Spirit). "He is a subjectivity existing in the imagination of orthodox Christians."

Is the foregoing utterance contrary to the doctrine of the Protestant Episcopal Church?

If yes, to what doctrine, and where found?

Q. 43. Does the doctrine to which you have referred necessarily admit of none but a literal interpretation?

Q. 44. Is the statement that Jehovah and Jesus are forms of the sun-myth, contrary to the doctrine of the Protestant Episcopal Church? If yes, to what doctrine and where found?

Q. 45. Is it the doctrine of the Protestant Episcopal Church that personal conscious gods in the skies have had anything to do in creating, sustaining and governing this world? If yes, what is its doctrine in that respect, and where found?

Q. 46. Is that doctrine susceptible of none but a literal interpretation?

Q. 47. What is the doctrine of the Protestant Church as to whether Nature is a triune divinity—matter being the father, force the son, and law the spirit?

Q. 48. The 23rd count of the Presentment quotes the following utterance of the defendant:

“I know that what is done for me must be done either by myself or by men, women and children, and that as objective, conscious personalities, my Brother Jesus and Uncle Sam have no more to do with my life than the man-in-the-moon.”

Bearing in mind the words “objective,” “conscious personalities,” do you find that utterance contrary to any doctrine of the Protestant Episcopal Church? If yes, to what doctrine, and where found?

Q. 49. Is that doctrine susceptible of none but a literal interpretation?

Q. 50. Are all of the statements of the Bible included in the doctrines of the Protestant Episcopal Church in the U. S. A.

Q. 51. If no, what authority has been or now is vested with power to determine which statements are and which are not so included?

Q. 52. Are those statements of the Bible which are so included, taken in a literal sense, or in a symbolical sense, or some literal and some symbolical?

Q. 53. If any are taken in a symbolical sense, what authority has been or is now vested with power to determine which are symbolical and to interpret such?

Q. 54. Is the following statement from Ezekiel included in the doctrines of the Protestant Episcopal Church of the U. S. A.?

“The soul that sinneth, it shall die. But if a man be just, and do that which is lawful and right, he shall surely live, saith the Lord God.” Ezek. xviii, 4-9.

Q. 55. Is the account of the creation of the earth and the fall of man, as set forth in the first three chapters of the Book of Genesis, included in the doctrines of the Church?

Q. 56. Is the account of the virgin birth of Jesus Christ as set forth in the first chapter of the Gospel according to Saint Matthew, included in the doctrines of the Church?

Q. 57. Is it the Doctrine of the Church that the Bible is a unique revelation by God to His chosen people, or a revelation which does not differ in kind from that acquired by other peoples?

Q. 58. What is your own belief and teaching on the point of unique revelation by God in the Old and New Testaments?

Q. 59. Do you believe and teach that monotheism originated with the Hebrews, by unique revelation, or do you concede that Dr. E. A. Wallis Budge of the British Museum and others are correct in saying monotheism first appeared in Egypt, established by Amenhotep IV (Akhnaton)?

Q. 60. Do you believe and teach that there is something unique in the Hebrew religion as set forth in the Bible which exempts it from the laws admitted to work in the case of other religions And if yes, what?

Q. 61. Do you believe and teach monotheism was established in Palestine prior to the Exilic period, and if so, when?

Q. 62. Do you believe and teach that the anthropomorphic conception of God in the following and other passages of the Bible is an inspired revelation and a necessary part of the doctrine of the Church:—

God created man in his own *image*.—Gen. 1, 27.

The *hair* of his (God's) head.—Dan. 7, 9.

Thou canst not see my (God's) *face*.—Ex. 33, 20

The *eyes* of the Lord.—2 Chron. 16, 9.

And his (God's) *ears* are open.—1 Peter 3, 12.

There is smoke in my (God's) *nose*.—Is. 65, 5.

There went up smoke out of his (God's) *nostrils*.—2 Sam. 22, 9.

Out of the *mouth* of God.—Matt. 4, 4.

His *lips* are full of indignation.—Is. 30, 27.

Between his (God's) *shoulders*.—Deut. 33, 12.

And his (God's) *tongue* as a devouring fire.—Is. 30, 27.

Thou (God) hast a mighty *arm*.—Ps. 89, 13.

The right *hand* of the Lord.—Ps. 118, 16.

This is the *finger* of God.—Ex. 8, 19.

I (God) will show them the *back*.—Jer. 18, 17.

Out of thy (God's) *bosom*.—Ps. 74, 11.

My (God's) *heart* maketh a noise in me.—Jer. 4, 19.

My (God's) *bowels* are troubled.—Jer. 31, 20.

The appearance of his (God's) *loins*.—Ez. 1, 27.

The *voice* of God *walking* in the garden.—Gen. 3, 8.

Darkness was under his (God's) *feet*.—Ps. 18, 9.

The Lord *smelled* a sweet savor.—Gen. 8, 21.

The Lord shall *laugh* at him.—Ps. 37, 13.

Now will I (God) *cry*.—Is. 42, 14.

He (God) shall give a *shout*.—Jer. 25, 30.

Why *sleepest* thou Lord?—Ps. 44, 23.

Then the Lord *awakened*.—Ps. 78, 65.

God *sitteth* upon a throne.—Ps. 47, 8.

Thou (God) didst *ride* upon thine horses.—Hab. 3, 8.

He (God) *wrestled* with him.—Gen. 32, 25.

I (God) am *weary*.—Is. 1, 14.

He (God) *rested* from all his work.—Gen. 2, 3.

He (God) *wrote* upon the tables.—Ex. 34, 28.

The Lord is a *man* of war.—Ex. 15, 3.

He (God) will *whet* his sword.—Ps. 7, 12.

He (God) hath *bent* his bow.—Lam. 2, 4.

Q. 63. If your answer to the foregoing question is no, by what rule do you distinguish between the inspired and uninspired parts of the Bible, and between those necessary and those unnecessary to Doctrine?

Q. 64. Do you believe and teach that the cruelty, vengeance, and instability of purpose of God as shown in such episodes as the Flood, the killings and punishments of Israelites for objecting to manna, etc., in the Wilderness, Elisha and the children, the famine and the vengeance of the Gibeonites upon Saul's house, the slaughter of the Israelites to atone for David's census, etc., and the promised destruction of the world by flame, are a true revelation of God and a necessary part of Doctrine?

Q. 65. If your answer to the foregoing question is no, by what rule do you guide yourself in ascertaining the true revelations of God in the Bible and those necessary to Doctrine, from those untrue and unnecessary?

Q. 66. Is it an essential of Doctrine that Jesus Christ be regarded as an historical personage who actually and literally was born?

Q. 67. If yes, are the accounts of his life and deeds in the four gospels correct and dependable narratives of this historical personage?

Q. 68. Is it an essential of Doctrine that Christ be regarded as a descendant of King David; and if your answer is yes, which account of his lineage is correct, that in Matthew 1 or that in Luke 3?

Q. 69. Is it an essential of Doctrine that Christ be regarded as literally born at Bethlehem and under the circumstances and amid the prodigies set forth in the gospels, e. g.—prophecies, a star in the east, wise men, shepherds, gifts, the flight to Egypt, Herod's slaughter of infants; and if your answer is no, what part of the account of his birth is essential?

Q. 70. Is it essential to Doctrine that Christ be regarded as literally performing the miracles set forth in the gospels?

Q. 71. Do you yourself believe and teach the historic truth of all these miracles, and if your answer be no, by what rule do you determine which parts of the accounts of his deeds are authentic and which not?

Q. 72. May the miraculous incidents surrounding the birth, life, and death of Jesus Christ be, consistently with Doctrine, treated as subjective realities instead of objectivities?

Q. 73. Is it essential to Doctrine to hold that all the sayings of Jesus as set forth in the gospels are entirely accurate repetitions of what He said; or may these sayings be regarded, consistently with Doctrine, as having filtered down to us thru many minds and memories and bearing many marks of the various faulty mediums of transmission?

Q. 74. Is it the doctrine of the Protestant Episcopal Church of the U. S. A. that God is a personal objective reality?

Q. 75. Is it the doctrine of the Protestant Episcopal Church of the U. S. A. that there is a Triune Being of God, Father, Son and Holy Spirit?

Q. 76. If yes, is this concept to be taken literally?

Q. 77. Is it the doctrine of the Protestant Episcopal Church of the U. S. A. that Jesus Christ was in a literal and carnal sense the begotten son of God?

Q. 78. Is it the doctrine of the Protestant Episcopal Church of the U. S. A. that Jesus Christ literally sitteth on the right hand of the Father?

Q. 79. Referring to the Sixth of the Articles of Religion, referred to in Q. 14, to-wit:

“Holy Scripture containeth all things necessary to salvation; so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man that it should be believed as an Article of the Faith or be thought requisite or necessary to salvation.”

Is it not true that this Article makes the Bible the sole ultimate standard of doctrine?

Q. 80. If yes, is it not true that neither the Apostles Creed, nor the Nicene Creed, nor the Articles of Religion, nor the Collects, Invocations, Doxologies, and other portions of the Prayer Book, can be relied upon as doctrinal standards except in so far as the contents of each of them may be read in or proved by the Bible?

Q. 81. Refer to the accompanying list marked Exhibit “M” and state as to each of the passages of Scripture therein set forth, whether it receives a literal interpretation or a symbolic interpretation in the doctrine of the Protestant Episcopal Church and on what authority your answer as to each is based.

.....
(To be signed by witness)

EXHIBIT M.

1. That God made the world in six days, and rested the seventh. Genesis, 2, 3.

2. That there was a firmament over the earth. Genesis 1, 6-8.

3. That God caused the earth to bring forth grass and fruits upon the third day, and made the sun, moon, stars the fourth day. Gen. 1, 11-19.

4. That God planted a garden in Eden, and in it a tree of life and a tree of knowledge. Gen. 2, 8-9.

5. That God made Adam after his own image. Gen. 1, 27.

6. That God commanded Adam not to eat of the tree of knowledge. Gen. 2, 16-17.

7. That God brought every beast and fowl unto Adam to see what he would call them. Gen. 2, 19-20.

8. That Eve was made out of Adam's rib as he slept. Gen. 2, 21-22.

9. That the Serpent talked with Eve about the forbidden fruit. Gen. 3, 1-5.

10. That the eating of the fruit caused Adam and Eve to discover that they were naked. Gen. 3, 6-7.

11. That they heard the voice of God walking in the garden, and they hid among the trees. Gen. 3, 8.

12. That God questioned Adam and Eve, and upon receiving their answers, cursed the serpent and condemned it to eat dust all the days of its life. Gen. 3, 16.

13. That God told Eve he would greatly multiply her sorrow and conception, and that her husband should rule over her. Gen. 3, 16.

14. That God told Adam that because he had hearkened to his wife and eaten of the tree, the ground was cursed. Gen. 3, 17.

15. That God made coats of skins and clothed Adam and Eve. Gen. 3, 21.

16. That God banished Adam from the garden lest he eat of the tree of life and live forever. Gen. 3, 22.

17. That God placed the Cherubim and the flame of a sword at the east of the garden, to keep the way of the tree of life. Gen. 3, 24.

18. That Adam lived 930 years. Gen. 5, 5.

19. That Methuselah lived 969 years. Gen. 5, 27.

20. That the sons of God took the daughters of men for wives. Gen. 6, 1-3.

21. That God repented of making man and the beasts, etc., and he said he would destroy them. Gen. 6, 5-7.

22. That Noah walked with God. Gen. 6, 9.

23. That God told Noah to build an ark of gopher wood 300 cubits long, 50 wide, and 30 high, with a window of 1 cubit above, a door in the side, and three stories. Gen. 7, 13-16.

24. That God said he would bring a flood to destroy all flesh wherein is the breath of life. Gen. 6, 17; and Gen. 7, 4.

25. That Noah took two or more of every living thing of all flesh into the ark. Gen. 7, 2-9.

26. That the fountains of the deep were broken up and the windows of heaven opened. Gen. 7, 11.

27. That God shut Noah in. Gen. 7, 16.

28. That only Noah and they that were with him in the ark survived the flood. Gen. 7, 23.

29. That the Lord smelled a sweet savor. Gen. 8, 21.

30. That God set his bow in the cloud as a covenant. Gen. 9, 13-16.

31. That there were three sons of Noah, and of them the whole earth has been overspread. Gen. 9, 19.

32. That the whole earth was of one language and speech. Gen. 11, 5-7.

33. That God came down to see the city and tower of Babel, and was alarmed lest its top reach heaven. Gen. 11, 5-7.

34. That God at Babel confounded the language of all the earth and scattered the people. Gen. 11, 8-9.

35. That God appeared unto Abram. Gen. 12, 7. Gen. 17, 1. Gen. 18, 1.

36. That God made a covenant with Abram saying, Unto thy seed have I given this land. Gen. 15, 18.

37. That the angel of God found Hagar. Gen. 16, 7.

38. That the angel spoke to Hagar. Gen. 16, 9.

39. That God talked with Abram. Gen. 17, 3.

40. That God promised to Abraham and his seed the land of Canaan as an everlasting possession. Gen. 17, 8.

41. That God did eat when Abraham set before him butter, milk, and a dressed calf. Gen. 18, 8.

42. That the two angels came to Sodom. Gen. 19, 1.

43. That the two angels smote with blindness the men that were at the door. Gen. 19, 11.

44. That God rained brimstone and fire out of heaven upon Sodom and Gomorrah. Gen. 19, 24.

45. That Lot's wife, looking back, became a pillar of salt. Gen. 19, 26.

46. That the angel called to Hagar out of heaven. Gen. 21, 17.

47. That the angel of Jehovah called to Abraham out of heaven. Gen. 22, 11. Gen. 22, 15-18.

48. That God appeared to Isaac to tell him not to go down into Egypt. Gen. 26, 2-5.

49. That the angels of God met Jacob. Gen. 32, 1.

50. That Jacob wrestled at the ford of Jabbok with God or an angel in the form of a man, and saw him face to face. Gen. 32, 24-30.

51. That Jehovah's angel appeared to Moses in a flaming bush that was not consumed, and spoke to him. Exodus 3, 2-4.

52. That God told Moses He would put forth His hand and smite Egypt with all His wonders, etc. Ex. 3, 20.

53. That when Moses cast his rod upon the ground it became a serpent. Ex. 4, 1-4.

54. That when Moses put his hand into his bosom first, it became leprous, as white as snow, and a second time, it was turned again as his other flesh. Ex. 4, 6-7.

55. That God met the son of Moses and sought to kill him but desisted when Zipporah cut off the son's foreskin with a flint and cast it at His feet. Ex. 4, 24-26.

56. That when Aaron cast down his rod it became a serpent, and the wise men, sorcerers, and magicians of Egypt did in like manner with their enchantments, and their rods became serpents, but Aaron's swallowed theirs. Ex. 7, 10-12.

57. That when Moses and Aaron smote the river, all the waters turned to blood.

58. That the magicians of Egypt did in like manner with their enchantments. Ex. 7, 22.

59. That when Aaron stretched out his hand, frogs came up and covered the land of Egypt; and the magicians did in like manner with their enchantments. Ex. 8, 1-7.

60. That God at Moses' request caused the frogs to die. Ex. 8, 8-14.

61. That Aaron by smiting the dust with his rod turned it to lice. Ex. 8, 16-18.

62. That God sent swarms of flies upon the Egyptians but not upon the children of Israel. Ex. 8, 20-24.

63. That upon Moses' entreaty God removed the flies. Ex. 8, 29-30.

64. That God caused the Egyptians' cattle to die, but none of the cattle of the children of Israel. Ex. 9, 1-7.

65. That when Moses stretched his rod toward heaven, Jehovah sent thunder and hail and fire upon the Egyptians but spared the children of Israel. Ex. 9, 18-26.

66. That when Moses spread abroad his hands, the thunders and hail ceased. Ex. 9, 27-34.

67. That when Moses stretched out his hand, God sent locusts that covered the face of the whole earth and ate every green thing. Ex. 10, 12-15.

68. That at Moses' request, God drove all the locusts into the Red Sea. Ex. 10, 16-19.

69. That when Moses stretched forth his hand, a thick darkness fell upon the Egyptians three days, so that no one rose from his place, but all the children of Israel had light in their dwellings. Ex. 10, 21-23.

70. That God killed all the firstborn of Egypt, both man and beast, at midnight of one night, but spared the children of Israel where he saw blood upon the houses. Ex. 12, 1-29.

71. That God went before the children of Israel by day in a pillar of cloud, and by night in a pillar of fire. Ex. 13, 21-22.

72. That the angel of God and the pillar of cloud came between the camp of Egypt and the camp of Israel. Ex. 14, 19-20.

73. That when Moses stretched out his hand, God divided the waters of the Red Sea, so that the children of Israel went thru on dry ground, and the waters were a wall on their right hand and their left. Ex. 14, 21-22.

74. That God took off the chariot wheels of Egyptians. Ex. 14, 25.

75. That when Moses stretched out his hand, God drowned the Egyptians. Ex. 14, 26-28.

76. That God showed Moses a tree which he cast into the waters of Marah and they were made sweet. Ex. 15, 22-25.

77. That in fulfilment of the word of God to Moses, it rained quails at evening and bread at morning upon the camp of the Israelites, an omer a head, and on the sixth day two omers a head, for the day of rest, but none on the seventh day. Ex. 16, 1-30.

78. That the Israelites ate the Manna 40 years. Ex. 16, 35.

79. That Moses by smiting the rock in Horeb with his rod caused water to come out of it. Ex. 17, 5-7.

80. That when Moses held up his hand, Israel prevailed against Amalek in battle, and when he let down his hand, Amalek prevailed. Ex. 17, 8-13.

81. That God descended upon Sinai in fire and smoke, with thunderings and lightnings, and sounded a trumpet and answered Moses by a voice. Ex. 19, 9-20.

81a. That God ordained a witch should not be suffered to live. Ex. 22, 18.

82. That Moses, Aaron, Nadab, Abihu, and 70 of the elders of Israel went up on Sinai and saw God and under his feet as it were a paved work of sapphire stone. Ex. 24, 9-11.

83. That God speaking to Moses in the cloud on Sinai gave him the specifications for making the offering, sanctuary, ark, tabernacle, and furniture, and the ceremonials set forth in Ex. 25, Ex. 26, Ex. 27, Ex. 28, Ex. 29, Ex. 30.

84. That God gave to Moses the two tablets of stone written with the finger of God. Ex. 31, 18.

84a. That God ordered the sons of Levi to slay every man, his brother, companion, and neighbor. Ex. 32, 25-28.

85. That when God entered into the Tent, the pillar of cloud descended and stood at the door, and Jehovah spoke with Moses face to face, as a man speaketh unto his friend. Ex. 33, 8-11.

86. That God put Moses in a cleft of the rock and covered him with His Hand until His glory had passed by, and then took away His hand and let him see His back. Ex. 33, 17-23.

87. That the cloud of Jehovah was upon the tabernacle by day, and fire therein by night. Ex. 40, 34-38.

88. That Nadab and Abihu for offering "strange fire" were devoured by fire which came forth from the altar. Lev. 10, 1-2.

89. That God told Moses a man and woman that hath a familiar spirit or that is a wizard shall be put to death. Lev. 20, 27.

90. That because the Israelites complained of their diet of manna and bewailed their lack of meat, God in His anger said they should eat meat a whole month until it came out of their nostrils; and accordingly He caused a wind from the sea to bring quail that fell upon and around the camp until they were 2 cubits above the face of the earth; and while they were beginning to eat, but before they had chewed the meat, God smote them with a plague. Numbers 11, 4-33.

91. That God came down in a pillar of cloud and stood at the door of the Tent and called Aaron and Miriam. Numbers 12, 4-5.

92. That God turned Miriam suddenly white as snow with leprosy. Numbers 12, 10.

93. That Jehovah ordered the Israelites to stone to death a man found gathering sticks upon the Sabbath day. Numbers 15, 32-36.

94. That God caused the earth to open and swallow Datham and Abiram, their wives, sons, and little ones, and all the men that appertained unto Korah, so that they went down alive into Sheol. Numbers 16, 25-34.

95. That God in His wrath sent a plague suddenly upon the Israelites which consumed 14,700, until Aaron running into the midst of the assembly with the censer, made atonement, and the plague was stayed. Numbers 16, 41-50.

96. That the rod of Aaron, laid with others in the tent of the testimony, budded over-night and bore blossoms and ripe almonds. Numbers 17, 1-11.

97. That when Moses spoke to the rock at Kadesh and smote it twice with his rod, water came forth abundantly. Numbers 20, 2-13.

98. That Jehovah sent fiery serpents that bit many of the Israelites, and Moses then, at His command, made a serpent of brass at the sight of which those bitten lived. Numbers 21, 4-9.

99. That Balaam's ass saw the angel of Jehovah with drawn sword, blocking the path. Numbers 22, 21-27.

100. That God caused Balaam's ass to speak. Numbers 22, 28-30.

100-A. That God ordained if one's brother, son, daughter, wife, or friend, secretly suggested serving other gods, one should kill him without pity. Deut. 13, 6-9.

101. That God ordained that if a son were accused by his parents of being stubborn and rebellious he should be stoned to death. Deut. 21, 18-21.

102. That God ordained that if a man take a wife and accuse her of not having the tokens of virginity, and it be found true, she should be stoned to death. Deut. 22, 13-21.

103. That when the priest bore the ark of the covenant into the Jordan, the water receded in both directions and the Israelites passed over on dry ground. Joshua 1, 14-17.

104. That the captain of the Lord's host, in the person of a man with a drawn sword, met Joshua by Jericho. Joshua 5, 13-15.

105. That the walls of Jericho fell at the blast of rams' horns and the shout of the Israelites. Joshua 6, 1.

106. That the sun stood still upon Gibeon and the moon in the valley of Ajalon at command of Joshua. Joshua 10, 12-14.

107. That Shamgar slew 600 Philistines with an oxgoad. Judges 3, 31.

108. That an angel of the Lord sat under an oak and talked with Gideon and touched with its staff the flesh and cakes so that fire rose out of the rock and consumed them. Judges 6, 12-21.

109. That Gideon for a sign put a fleece of wool on the floor, and in the morning it was wet with dew, and the rest of the ground dry. Judges 6, 37-39.

110. That an angel appeared unto the wife of Manoah and to Manoah and foretold the birth of Samson. Judges 13, 2-18.

111. That Samson slew 600 Philistines with the jaw-bone of an ass. Judges 15, 15.

112. That God clave a hollow place in the jaw, from which water came. Judges 15, 19.

113. That Jehovah departed from Samson, so that he lost his strength, by reason of the cutting of his hair. Judges 16, 1-20.

114. That Jehovah called Samuel and came and stood and foretold what He would do to the house of Eli. 1 Sam. 3, 1-14.

115. That when the ark of Jehovah was brought into the house of Dagan, the image of Dagan fell and its head

and hands were cut off, and the people of Ashdod were smitten with tumors. 1 Sam. 5, 1-6.

116. That when the ark was carried to Gath, the people were smitten with tumors, and also when it was carried to Ekron. 1 Sam. 5, 8-12.

117. That Jehovah smote of the men of Bethshemesh 70 men and 50,000 men for looking into the ark. 1 Sam. 6, 19.

118. That Jehovah thundered upon the Philistines. 1 Sam. 7, 10.

119. That Jehovah selected Saul to be king. 1 Sam. 9, 15-17.

120. That God gave Saul another heart and the power of prophecy after he was anointed by Samuel. 1 Sam. 10, 9.

121. That when Samuel called unto Jehovah, Jehovah sent thunder and rain upon the wheat harvest. 1 Sam. 12, 6-18.

122. That because Saul spared Agag and the best of the sheep and oxen, Jehovah repented of making him king, and rent the kingdom from him. 1 Sam. 15, 7-35.

123. That Jehovah told Samuel to anoint David. 1 Sam. 16, 1-13.

124. That an evil spirit from Jehovah troubled Saul. 1 Sam. 16, 14.

125. That when Saul sent messengers to take David at Naioth in Ramah, the Spirit of God came upon them and they prophesied, and also the next and the third messengers, and finally Saul himself. 1 Sam. 19, 18-21.

126. That the witch of Endor brought up Samuel out of the earth. 1 Sam. 28, 8-19.

127. That God smote Uzzah for putting forth his hand to steady the ark. 2 Sam. 6, 6-7.

127a. That God sent a 3 year famine because Saul put the Gibeonites to death, and God's wrath was not appeased until 7 sons of Saul were hung up unto Him. 2 Sam. 21, 1-10.

128. That because David numbered the Israelites, God was angry and offered him a choice of three evils, and David chose the pestilence, which destroyed 70,000 people. 2 Sam. 24, 1-17.

129. That the ravens brought Elijah bread and flesh at morning and evening. 1 Kings. 17, 2-6.

130. That the widow's jar of meal did not waste nor the cruse of oil fail while Elijah dwelt in her house. 1 Kings 17, 8-16.

131. That Jehovah hearkened to Elijah and revived the widow's son. 1 Kings 17, 17-24.

132. That in answer to Elijah's invocation, Jehovah set fire to the altar on Mt. Carmel. 1 Kings 18, 20-40.

133. That an angel awakened Elijah under the juniper tree and gave him a baked cake and a cruse of water. 1 Kings 19, 4-8.

134. That Jehovah passed by Elijah with a wind, earthquake, and fire, and finally a still small voice. 1 Kings 19, 9-18.

135. That because the Syrians had said, Jehovah is a god of the hills, He delivered them into the hands of the Israelites. 1 Kings 20, 23-30.

136. That because Ahab humbled himself before God, after his sins, God forebore to bring evil in his days and postponed it until his son's days. 1 Kings 21, 17-29.

137. That Micaiah saw Jehovah sitting on his throne and all the host of heaven standing by him, and Jehovah sent a lying spirit to entice Ahab to his death. 1 Kings 22, 19-36.

138. That at Elijah's invocation fire came down from heaven and consumed the king's two captains and their 50 men. 2 Kings 1, 9-12.

139. That Elijah divided the waters of Jordan by smiting them with his mantle. 2 Kings 2, 8.

140. That Elijah was taken up bodily by a whirlwind, with a chariot and horses of fire appearing. 2 Kings 2, 11.

141. That Elisha divided the waters of Jordan by smiting them with the mantle of Elijah. 2 Kings 2, 14.

142. That Elisha healed the waters of Jericho. 2 Kings 2, 19-22.

143. That upon Elisha's cursing the children for mocking him, 2 she-bears came and killed 42 of the children. 2 Kings 2, 23-25.

144. That the trenches which Elisha caused to be dug in the wilderness were filled by Jehovah with water, without wind or rain. 2 Kings 3, 9-20.

145. That to enable the widow to pay her husband's creditor, Elisha caused her pot of oil to fill all vessels. 2 Kings 4, 1-7.

146. That Elisha rewarded the Shunammite woman by enabling her to bear a son. 2 Kings 4, 8-17.

147. That Elisha restored to life the dead child of the Shunammite woman. 2 Kings 4, 17-37.

148. That Elisha fed 100 men with 20 loaves and ears of grain. 2 Kings 4, 42-44.

149. That Elisha healed Naaman of leprosy by causing him to wash in the Jordan. 2 Kings 5, 1-4.

150. That Elisha caused his servant Gehazi to become suddenly a leper for taking gifts from Naaman. 2 Kings 5, 20-27.

151. That Elisha by casting a stick into the Jordan made an axe-head to swim. 2 Kings 6, 1-7.

152. That the mountain was full of horses and chariots of fire round about Elisha. 2 Kings 6, 14-17.

153. That at Elisha's request God smote the host of Syrians with blindness, and after he had led them into Samaria restored their sight. 2 Kings 6, 18-20.

154. That the Lord made the host of Syrians hear a noise of a great host and caused them to flee in the night, according to the prophecy of Elisha. 2 Kings 7, 1-16.

155. That the corpse which was cast into the sepulchre of Elisha, upon touching the bones, was restored to life. 2 Kings 13, 20-21.

156. That in pursuance of the prophecy of Isaiah the angel of Jehovah smote in the camp of the Assyrians 185,000. 2 Kings 19, 14-36.

157. That Jehovah having said Hezekiah should die, relented and added 15 years to his life. 2 Kings 20, 1-7.

158. That at Isaiah's invocation the shadow on the dial went backward 10 steps. 2 Kings 20, 8-11.

159. That God went out before David to smite the Philistines, with a sound of marching in the tops of the mulberry trees. 1 Chron. 14, 13-16.

160. That God said to Nathan, "Thou shalt not build me a house to dwell in; for I have not dwelt in a house since the day that I brought up Israel, unto this day, but have gone from tent to tent, and from one tabernacle to another." 1 Chron. 17, 3-5.

161. That Satan stood up against Israel and moved David to number Israel. 1 Chron. 21, 1.

162. That God was displeased with the census and smote Israel, giving David a choice between 3 years of famine, three months to be consumed by foes, or three days of pestilence. 1 Chron. 21, 1.

163. That Jehovah sent an angel to destroy Jerusalem, but repented to the evil and staid his hand. 1 Chron. 21, 14-15.

164. That David saw the angel standing between earth and heaven with a drawn sword stretched out over Jerusalem. 1 Chron. 21, 15-16.

165. That Jehovah answered David from heaven by fire upon the altar at Ornan's threshing floor. 1 Chron. 21, 18-26.

166. That Jehovah commanded the destroying angel and the latter put up his sword into the sheath. 1 Chron. 21, 27.

167. That Solomon having offered 1000 burnt-offerings, God appeared to him and said, "Ask what I shall give thee." 2 Chron. 6-7.

168. That Solomon's temple was filled with a cloud. 2 Chron. 5, 13-14.

169. That when Solomon had made an end of praying, fire came down from heaven and consumed the burnt-offering. 2 Chron. 7, 1-3.

170. That Jehovah appeared to Solomon and said, "I have heard thy prayer and have chosen this place to myself for a house of sacrifice. If I shut up the heavens so that there is no rain, or if I command the locust to devour the land, or if I send pestilence among my people, if my people * * * shall humble themselves * * *, then will I hear from heaven, and will forgive their sin, and will heal their land. Now mine eyes shall be open and mine ears attent, unto the prayer that is made in this place." etc. 2 Chron. 7, 11-15.

171. That Uzziah trespassing upon the function of the priests to burn incense at the altar, leprosy broke forth suddenly upon his forehead. 2 Chron. 26, 16, 21.

172. That Jehovah in response to the prayers of Hezekiah and Isaiah, sent an angel who cut off all the men of valor, leaders, and captains in the camp of the Assyrians. 2 Chron. 32, 20-21.

173. That the Jews of the restoration in putting away their wives that they had taken of the heathen, with their children, obeyed the law of the Lord. Ezra, 10.

174. That an angel named Uriel was sent unto Esdras, and conversed with him. 2 Esdras 4, 1.

175. That the sons of God came to present themselves before Jehovah and Satan came also. Job 1, 6.

176. That Jehovah gave Job into the hand of Satan to try him. Job 2, 1-6.

177. That Jehovah answered Job out of the whirlwind as set forth in Job, 38, 39, 40, and 41.

178. That Jehovah said to Eliphaz, "My wrath is kindled against thee and thy two friends," etc. Job 42, 7-8.

179. That God judgeth among the gods. Psalms 82.

180. That the 3 Israelites, having been cast into the fiery furnace, came forth unharmed. Daniel 3, 1-30.

181. That at Belshazzar's feast the fingers of a man's hand wrote upon the plaster of the wall. Daniel 5, 1-5.

182. That Daniel having been cast into the den of lions, God sent his angel and shut up the lions' mouths. Daniel 6, 1-24.

183. That Jonah having been cast into the sea, the sea ceased from its raging. Jonah, 1, 1-16.

184. That Jehovah prepared a great fish to swallow Jonah, and Jonah was in the belly of the fish 3 days and 3 nights, and Jonah having prayed, Jehovah spoke to the fish and it vomited out Jonah upon the dry land, alive. Jonah 2.

185. That Jehovah made a gourd come up in a night to shade Jonah's head. Jonah 4.

186. That Jesus was the child of the Holy Ghost and Mary. Matt. 1, 18-25.

187. That when Jesus was born, three wise men from the east, looking for the "King of the Jews," having seen his star in the east, came with costly gifts to worship him. Matt. 2, 1-11.

188. That the star went before the wise men and stood over where the child was. Matt. 2, 9.

189. That the wise men were warned of God not to return to Herod. Matt. 2, 12.

190. That an angel told Joseph to flee into Egypt. Matt. 2, 13.

191. That at Herod's death an angel told Joseph to return. Matt. 2, 19-21.

192. That when Jesus was baptized by John, the heavens were opened and the Spirit of God descended like a dove and lighted upon him, and a voice was heard. Matt. 3, 16-17.

193. That Jesus was tempted of the devil. Matt. 4, 1-4.

194. That the devil took Jesus up to a pinnacle of the temple. Matt. 4, 5-7.

195. That the devil took Jesus up into a high mountain and showed him all the kingdoms of the world and their glory, and offered them to him. Matt. 4, 8-10.

196. That angels came and ministered to Jesus. Matt. 4, 11.

197. That Jesus went about Galilee healing all manner of sickness and disease among the people. Matt. 4, 23.

198. That he healed those possessed with devils. Matt. 4, 21.

199. That whoever shall say, Thou fool, shall be in danger of hell-fire. Matt. 5, 23.

200. That heaven is God's throne. Matt. 5, 34.

201. That earth is God's footstool. Matt. 5, 35.

202. That Jesus, by touching a leper, immediately made him clean. Matt. 8, 2-3.

203. That Jesus from a distance healed the centurion's servant of palsy. Matt. 8, 5-13.

204. That Jesus by touching the hand of Peter's wife's mother healed her at once of a fever. Matt. 8, 14-15.

205. That Jesus cast out devils from those possessed, and healed all who were sick. Matt. 8, 16.

206. That Jesus stopped a tempest by rebuking the winds and the sea. Matt. 8, 23-27.

207. That Jesus drove the devils out of 2 men into a herd of swine that then ran into the sea and drowned. Matt. 8, 28-32.

208. That he healed a man of palsy by saying, "Arise, take up thy bed, and go into thine house." Matt. 9, 2-7.

209. That a woman diseased who touched his garment was healed. Matt. 9, 20-22.

210. That Jesus by taking by the hand the daughter of a ruler, who was pronounced dead, restored her to life. Matt. 9, 18-25.

211. That Jesus healed 2 blind men by touching their eyes. Matt. 9, 27-30.

212. That Jesus cast out a devil from a dumb man, and the man spoke. Matt. 9, 32-33.

213. That Jesus gave power to his 12 disciples to cast out unclean spirits, heal all manner of sickness and disease, and raise the dead. Matt. 10, 1-8.

214. That by telling a man with a withered hand to stretch it forth, Jesus healed it. Matt. 12, 10-13.

215. That Jesus healed great multitudes that followed him. Matt. 12, 15.

216. That Jesus healed a man possessed with a devil, blind and dumb. Matt. 12, 22.

217. That the Son of man shall send forth his angels and they shall gather all things that offend and them which do iniquity, and cast them into a furnace of fire. Matt. 13, 41-42.

218. That at the end of the world the angels shall come forth and sever the wicked from the just, and cast them into the furnace of fire. Matt. 13, 49-50.

219. That Jesus with 5 loaves and 2 fishes fed about 5000 people so that there were 12 baskets of remnants. Matt. 14, 15-21.

220. That Jesus walked on the sea. Matt. 14, 23-25.

221. That Peter also walked on the water until he was afraid. Matt. 14, 28-30.

222. That those who touched Jesus' garments were made whole. Matt. 14, 34-36.

223. That Jesus from a distance healed the daughter of the Canaanitish woman. Matt. 15, 21-28.

224. That Jesus healed the lame, blind, dumb, maimed, and many others who were cast down at his feet. Matt. 15, 29-31.

225. That Jesus fed with 7 loaves and a few small fishes the 4000 people and there remained 7 baskets full left over. Matt. 15, 32-38.

226. That Jesus gave unto Simon Peter the keys to the kingdom of heaven. Matt. 16, 13-19.

227. That Jesus was transfigured before Peter, James, and John, so that his face shone as the sun and his garments became white as the light, and Moses and Elijah appeared talking with him. Matt. 17, 1-3.

228. That a bright cloud overshadowed them, and a voice out of the cloud spoke. Matt. 17, 5-8.

229. That Jesus healed an epileptic, so that the demon went out from him. Matt. 17, 14-18.

230. That Jesus in order to pay the half-shekel toll, directed Peter to go to the sea, cast a hook, and take up the first fish and he would find a shekel in its mouth. Matt. 17, 24-27.

231. That Jesus by touching the eyes of the two blind men at the wayside caused them to receive their sight. Matt. 20, 29-34.

232. That Jesus cursed the barren fig tree and immediately it withered away. Matt. 21, 18-19.

233. That during the Crucifixion darkness was over all the land from the 6th to the 9th hour. Matt. 27, 45.

234. That when Jesus yielded up his spirit, the veil of the temple was rent in two, the earth quaked, rocks were rent, tombs opened, many bodies of dead saints came forth from the tombs and entered the city. Matt. 27, 50-53.

235. That at dawn of the first day of the week, when Mary Magdalene and the other Mary came to see the sepulchre, there was a great earthquake; an angel descended from heaven and rolled away the stone and sat on it. Matt. 28, 1-3.

236. That the angel told the woman that Jesus was risen, etc. Matt. 28, 4-6.

237. That as the women were going to tell the other disciples, Jesus met them, and they took hold of his feet. Matt. 28, 8-10.

238. That after the Resurrection Jesus appeared among his disciples in Galilee and spoke to them. Matt. 28, 16-20.

239. That at Capernaum a man with an unclean spirit cried out, saying, "Let us alone; what have we to do with thee, thou Jesus of Nazareth? art thou come to destroy us? I know thee who thou art, the Holy One of

God," and that Jesus cast out the unclean spirit, which tore the man in parting. Mark 1, 23-26.

240. That Jesus cast out many devils and suffered not the devils to speak, because they knew him. Mark 1, 34.

241. That unclean spirits, when they saw Jesus, fell down before him, saying, "Thou art the Son of God," and he charged them that they should not make him known. Mark 3, 11-12.

242. That the twelve disciples, on being sent out, cast out many devils and by anointing with oil healed the sick. Mark 6, 12-13.

243. That Jesus cast a devil out of the daughter of the Gentile woman because she said the dogs under the table eat of the children's crumbs. Mark 7, 24-30.

244. That Jesus, to heal a deaf man that had an impediment of speech, put his fingers into his ears, and he spit and touched his tongue, and looking up to heaven he sighed and said, "Ephphatha," and the man's hearing and speech were given him. Mark 7, 32-35.

245. That Jesus fed 4000 people with 7 loaves and a few small fishes, and there were 7 baskets of broken meat left. Mark 8, 1-9.

246. That at Bethsaida Jesus healed a blind man by spitting on his eyes and putting his hands upon him. Mark 8, 22-26.

247. That Jesus was transfigured before Peter, James, and John, his raiment becoming shining and white as snow, and he was seen talking with Elias and Moses. Mark 9, 2-4.

248. That a voice came out of a cloud saying, "This is my beloved son; hear him." Mark 9, 7.

249. That Jesus cast out a dumb spirit which his disciples could not, because it was a kind that can come forth by nothing but by prayer and fasting. Mark 9, 17-29.

250. That hell is a place of fire that never shall be quenched. Mark 9, 43-47.

251. That it is easier for a camel to go thru the eye of a needle than for a rich man to enter into the kingdom of God. Mark 10, 25.

252. That Jesus healed blind Bartimeus, by saying, "Go thy way; thy faith hath made thee whole." Mark 10, 52.

253. That Jesus, finding a fig tree barren, cursed it so that it dried up and withered by the next morning. Mark 11, 12-21.

254. That the Son of man shall come in the clouds. Mark 13, 26.

255. That the Son of man shall send his angels and shall gather his elect from the four winds from the uttermost part of earth to the uttermost part of heaven. Mark, 13, 27.

256. That during the crucifixion of Jesus there was darkness over the whole land from the 6th to the 9th hour. Mark 15, 33.

257. That when Mary Magdalene and the other two women came to the sepulchre they saw the stone rolled away and a young man clothed in a long white garment who told them, "He is risen." Mark 16, 1.

258. That Jesus when he was risen, appeared first to Mary Magdalene, out of whom he had cast 7 devils. Mark 16, 9.

259. That Jesus then appeared in another form to two of his followers as they walked. Mark 16, 12.

260. That Jesus afterward appeared unto the eleven at meat and upbraided them, etc. Mark 16, 14-18.

261. That Jesus promised those that believe, that in his name they should cast out devils, speak with new tongues, take up serpents, drink any deadly thing without hurt, lay hands on the sick and heal them Mark, 16, 17-18.

262. That Jesus was received up into heaven and sat on the right hand of God. Mark 16, 19.

263. That the angel Gabriel appeared to Zacharias, standing on the right side of the altar, promised him in answer to his prayer his wife should bear him a son whose name should be called John, and predicted his career. Luke 1, 5-19.

264. That because Zacharias did not believe the angel Gabriel, he was stricken dumb. Luke 1, 20-23.

265. That the angel Gabriel was sent from God to Nazareth, and informed Mary that she would bear a son Jesus, predicted his career, and told her of her cousin Elisabeth's condition. Luke 1, 26-38.

266. That upon Mary's entering the presence of Elisabeth, the latter's child leaped in the womb, and

Elisabeth being filled with the Holy Ghost saluted Mary as the mother of our Lord, etc. Luke 1, 39-45.

267. That upon Elisabeth giving birth to John, Zacharias immediately recovered his speech. Luke 1, 59-64.

268. That Zacharias was filled with the Holy Ghost and prophesied that his child John should be called the Prophet of the Highest and go before the Lord to prepare his ways, etc. Luke 1, 67-79.

269. That the angel of the Lord appeared to shepherds by night with tidings of the birth of a Saviour Christ our Lord, with directions how to identify him. Luke 2, 8-12.

270. That with the angel appeared also to the shepherds a multitude of the heavenly host praising God and predicting peace on earth, etc. Luke 2, 13-14.

271. That it was revealed to Simeon in Jerusalem that he should not see death before he had seen the Lord's Christ, and when the infant Jesus was brought to the temple, Simeon declared his eyes had seen God's salvation, etc. Luke 2, 25-35.

272. That Anna also, coming when the infant Jesus was brought to the Temple, gave thanks to the Lord, etc. Luke 2, 36-38.

273. That the Holy Ghost descended in a bodily shape like a dove upon Jesus when he was baptized by John, and a voice came from heaven saying, "Thou art my beloved Son; in thee I am well pleased." Luke 3, 21-22.

274. That Jesus at Capernaum cast out of a man an unclean spirit that hailed Him as the Holy One of God. Luke 4, 33-35.

275. That the devils came out of many, crying out, "Thou art Christ, the Son of God." Luke 4, 41.

276. That Jesus caused the fishermen to catch a miraculous draught of fishes. Luke 5, 4-6.

277. That Jesus at the gate of Nain restored to life the dead man upon the bier, by touching the bier. Luke 7, 12-15.

278. That Mary Magdalene was healed of 7 devils. Luke 8, 2.

279. That Jesus appointed 70 others besides the 12 apostles, and sent them out 2 and 2, with power to heal the sick. Luke 10, 1-9.

280. That Jesus gave to the 70 power to tread on serpents and scorpions, and over all the power of the enemy, and so that nothing should by any means hurt them. Luke 10, 19.

281. That 10 lepers standing afar off cried to Jesus, and he sent them to the priests, and on the way they were healed. Luke 17, 12-14.

282. That Satan entered into Judas Iscariot. Luke 22, 3.

283. That Satan desired to have Simon that he might sift him as wheat. Luke 22, 31.

284. That as Jesus prayed an angel appeared from heaven, strengthening him. Luke 22, 41-43.

285. That Jesus touched the ear of the high priest's servant, which had been cut off, and healed him. Luke 22, 50-51.

286. That the women came to the sepulchre of Jesus and being perplexed at finding the stone rolled away, beheld 2 men in shining garments, who proclaimed that He was risen. Luke 24, 1-8.

287. That Jesus went with two of his disciples to Emmaus, unrecognized by them, and expounded the Scripture to them, and sat at meat with them until as he blessed and broke the bread they knew him and he vanished. Luke 24, 13-32.

288. That Jesus appeared after resurrection in the midst of his disciples and had them handle him to see that it was not a spirit but flesh and bones, and ate broiled fish and a honeycomb before them. Luke 24, 36-43.

289. That Jesus was carried up into heaven from Bethany. Luke 24, 50-51.

290. That John saw the Spirit descending from heaven like a dove. John 1, 32.

291. That Jesus turned water into wine. John 2, 1-10.

292. That an angel went down at a certain season into the pool of Bethesda and troubled the water, and whoever then first stepped in was healed of any disease. John 5, 2-4.

293. That Jesus healed the impotent man at Bethesda by speaking to him. John 5, 5-9.

294. That when Jesus, walking on the sea, was received into the ship going to Capernaum, the ship was immediately at its destination. John 6, 17-21.

295. That Jesus by anointing with clay made of spittle the eyes of a man blind from his birth, and having him wash in the pool of Siloam, caused him to see. John 9, 1-7.

296. That Jesus restored Lazarus to life after he had been dead four days. John 11, 1-44.

297. That when Jesus said, "Father, glorify thy name," there came a voice from heaven saying, "I have both glorified it, and will glorify it again." John 12, 28.

298. That after Jesus had given the sop to Judas, Satan entered into Judas. John 13, 27.

299. That Mary Magdalene saw 2 angels in white sitting in the sepulchre of Jesus. John 20, 11-13.

300. That Mary Magdalene then saw and talked with Jesus, prior to his ascension. John 20, 14-17.

301. That Jesus the same day at evening, when the doors were shut, appeared to his disciples, showed them his hands and side, and breathed on them to give them the Holy Ghost. John 20, 19-23.

302. That 8 days later Jesus again appeared to his disciples and had Thomas thrust his hand into his side to convince him. John 20, 26-29.

303. That Jesus, after his death, showed himself to his disciples on the shore of the sea of Tiberias, and directed them to cast their net on the right side of the ship, and they caught a multitude of fishes! John 21, 1-6.

304. That Jesus prepared a fire of coals, and fish laid thereon, and bread, and told the fishers to come and dine. John 21, 9-13.

305. That Jesus was taken up, and a cloud received him. Acts. 1, 9.

306. That thereafter 2 men in white apparel stood by the disciples telling them Jesus would come in like manner as they had seen him go to heaven. Acts 1, 10-11.

307. That cloven tongues of fire sat upon each of the disciples at Pentecost and they all began to speak with other tongues. Acts 2, 1-4.

308. That Peter healed the man lame from his mother's womb, at the gate of the temple. Acts 3, 1-10.

309. That Ananias and Sapphira for keeping back part of the price of their land fell down dead. Acts. 5, 1-10.

310. That all the sick and those vexed with unclean spirits, who were brought to the apostles, were healed. Acts 5, 12-16.

311. That the angel of the Lord opened the prison doors at night and brought forth the apostles. Acts 5, 17-19.

312. That Stephen did great wonders and miracles among the people. Acts 6, 8.

313. That Stephen saw the heavens opened and Jesus standing on the right hand of God. Acts 7, 55-56.

314. That Philip did miracles in Samaria, so that unclean spirits crying with loud voices came out of many people, and many palsied and lame were healed. Acts 8, 5-7.

315. That Simon bewitched the people with sorceries. Acts 8, 9-11.

316. That after baptizing the eunuch, Philip was caught away by the Spirit of the Lord and was found at Azotus. Acts 8, 26-40.

317. That Saul, going to Damascus, was intercepted by a light out of heaven and a voice which also the other men with him heard. Acts 9, 1-9.

318. That Peter healed a man named Aeneas of the palsy. Acts 9, 32-35.

319. That Peter restored to life Dorcas who had died. Acts 9, 36-42.

320. That when Peter was in prison an angel smote him on the side, woke him, his chains fell from him, the iron gate opened of its own accord before him, and the angel left him in the street. Acts 12, 3-10.

321. That Paul caused blindness to fall upon Barjesus. Acts 13, 6-11.

322. That Paul by a command healed a man impotent in his feet, so that he leaped up and walked. Acts 14, 8-10.

323. That Paul caused a spirit to come out of a maid at Philippi who was a soothsayer. Acts 16, 16-18.

324. That a great earthquake opened the prison-doors for Paul and Silas and broke their bonds. Acts 16, 23-26.

325. That God wrought special miracles by the hands of Paul, so that handkerchiefs or aprons carried away from his body healed diseases and caused the evil spirits to depart. Acts 19, 11-12.

326. That Paul restored to life Eutychus who fell and was taken up dead. Acts 20, 7-12.

327. That John saw four angels standing on the four corners of the earth. Rev. 7, 1.

CHURCH ADVOCATE'S EXHIBIT B.

(This exhibit is the book, Bishop Brown's "Communism and Christianity," attached to the Record.)

CHURCH ADVOCATE'S EXHIBIT C.

**Letter from Bishop William M. Brown to the Members
of the House of Bishops of the Protestant Episcopal
Church, July 14, 1924.**

(Filed May 29, 1924.)

July 14, 1923.

*To the Members of the House of Bishops
of the Protestant Episcopal Church.*

My dear Brethren:

In the latest edition of my booklet, Communism and Christianity, there is a note (pages 196-198) concerning the Grant-Manning controversy, in which an effort is made to promote the realization of two facts: (1) that

the vanguard of humanity has passed out of the theological wilderness of supernaturalistic traditionalism, in which Bishop Manning is still wandering with Moses and Aaron, over the metaphysical Jordan of supernaturalistic modernism, through which Dr. Grant is wading with John and Paul, into the materialistic Canaan of naturalistic scientism, where I am learning and fighting with Darwin and Marx, and (2) that the more enlightened parts of Christendom have seen the last of ecclesiastical trials for heresy; because, to a large and rapidly increasing number of educated and sensible men and women, the supernaturalistic representations of the Old and New Testaments, Catholic Creeds and Protestant Confessions, if literally interpreted, are so many impossibilities, so that a trial on account of denying them would be an honor to the heretical defendant and a disgrace to the orthodox prosecutors, and because the issue of such trials would be a loss in membership and revenue. The truth of Marx's doctrine concerning the economic determination of history is illustrated by the churches, by none more than the Anglican.

In an effort to clearly explain and fully justify myself in not voluntarily resigning my seat in the House of Bishops and withdrawing from the communion of our church, I am sending you a copy of this edition of the booklet and also one of the May 16th issue of the Truth Seeker in which there is a marked article on a criticism of the note. The note and article are supported by many passages of the booklet, especially the following three which are enclosed in penciled brackets: pages 104-106; 148-149, and 22-25.

The booklet and article do not contain a complete statement of the reasons for not renouncing my ministry and membership. They are here given as so many facts without much argumentation:

1. In the letter of September 25th, 1922, to the House of Bishops, I offered to resign my seat in the House on the fair and reasonable condition that its members avow specifically and clearly their orthodoxy as to each of the outstanding points of my heresy. This offer has not been accepted.

2. Anglican standards of orthodoxy require the acceptance of the supernaturalistic representations of the Bible, Creed, Articles and Prayer Book according to the literal meaning of the language in which they are made.

This is the law. Several Bishops who fell far short of measuring up to this requirement, have been permitted to live, work and die in the churches of our communion, and no living bishop fully does it. All have broken the law by interpreting some, as I do every one, of these representations symbolically. The bishops who regard the Fall as allegory, not history, are numerous. "Whoever shall keep the whole law and yet offend in one point, he is guilty of all."

3. Jesus was as much of an heretical teacher in the Jewish church as I am in the Christian. He did not go out voluntarily.

4. Jesus was a revolutionist in religion and politics; and, as such, he worked from the inside of his church and state: therefore, no Christian can consistently blame me for my revolutionary efforts, or for making them as an Anglican and American, especially not since Anglicanism and Americanism were born of revolutions which were promoted from the inside.

5. Jesus is represented as saying: "Ye shall know the truth and the truth shall make you free," which is to say that the salvation of the world depends upon learning, living and teaching truth. What is saving truth? According to your theological orthodoxism, it is the revelation of a Father-Son-Spirit God. According to my atheistic heterodoxism, it is the revelation of a matter-force-motion nature. My baptismal and ordination vows obligated me to teach saving truths. In departing from orthodoxy at points where I believe it teaches ruinous untruths, I am following in the footsteps of Jesus.

6. On the orthodox theory that the world is what it is owing to the will of the Christian God, we must assume that the truest representative of Christianity is the truest son or daughter of the new age of scientism which has, by the will of this God, supplanted the old age of traditionalism. The mission of science is to discover, teach and interpret facts into truths or laws to the end that the world may have life and have it more abundantly. This is religion and politics, all there is of both. The mission of traditionalism is the same. The difference between them is a question as to what a fact is, whether it is the willing of a Father-Son-Spirit God, or the doing of a matter-force-motion nature. You say the former, I the latter, hence our irreconcilable difference;

yet, on your theory, we serve the same God; if, indeed, contrary to my theory, there are conscious, personal divinities who will things, and if life is dependent upon the willings of the Christian God.

7. On the theory that the Christian God is the creator of the universe with all that therein is, and that he sustains and governs it by laws that are so many expressions of his will, it must be admitted that every doing of nature is an act of God and a revelation of his will. We, therefore, serve the same God, only you do so by obeying his precepts as they are recorded in the representations of the Bible, and I by regarding his doings as they are manifested in the phenomena of nature. If, then, contrary to my theory, the Christian God exists, and the practices in nature what he preaches in the Bible, we are equally good servants of his. You follow his word, I his example.

8. On the orthodox theory to which I long held, and which prevails in the House, the effects of baptism and ordination are indelible, so that, whether I will or not, and whether I am inside or outside of a Catholic or Protestant church, I must remain a Christian and Bishop in the church of God; if, contrary to my theory, the God of orthodox Christianity exists, and if he has a church.

9. For me the Christian year is a staging of the drama of nature in general and humanity in particular—a drama common to all the supernaturalistic interpretations of redemptive religion. I love dramatic representations; and because the church services are so many parts of the greatest of all dramas, I love the yearly round of them and they often deeply touch and greatly uplift me.

10. My soul is not, according to supernaturalistic traditionalism, a spiritual entity, a spark of the immaterial life of a divine spirit, the Christian God, but, according to naturalistic scientism, it is a conscious and subconscious content of my own materialistic life—a life inherited from human and animal progenitors. As I would ruin my body if I rid it of its vestigial organs, so I would ruin my soul if I emptied it of its animalism in order to make it entirely human. By reading the traditionalism of the old age out of the Bible representations and Prayer Book services and by reading the scientism

of the new age into them, I can preserve the continuity of my soul by retaining its barbarism, savagism and even animalism as so much poetry and drama.

11. If my peers agree that it will be for the good of our church, also all the persons and interests concerned, that I should be deposed and excommunicated, they are in position to assume the responsibility of inaugurating a trial for heresy with these ends in view.

12. If my brethren do not care to attempt the discrediting of my propagandism by canonical proceedings issuing in deposition and excommunication, let them do the only other thing that can be done, if indeed it is possible, produce a crushing answer to the heretical representations of my booklet. Success in this undertaking would mean much to the cause of orthodoxy, but there would be nothing for it in a trial.

Advantage is taken of this opportunity to report to the House of Bishops that I have declined to meet the committee appointed by it to persuade me to voluntarily renounce my orders. This was necessary because of the stigma which was placed upon me by the House at the Portland session of the General Convention, when the petition of the Diocese of Arkansas for my trial and deposition was, according to the daily press, refused on the ground that I am mentally irresponsible for my heresies.

With every good wish for all, I am,

Very cordially yours,

WM. M. BROWN.

P. S. As a supplement to this letter, I am enclosing a self explanatory clipping of a newspaper article.

W. M. B.

P. S. As a supplement to the two friendly challenges contained in my letter of September 25, 1922, to the House of Bishops, I hereby make a third.

If the House will appoint a committee of three charged with the duty of taking part in a conference at the sessions of which my booklet, Communism and Christianity, would be read and its representations concerning religion discussed with the view of convincing me of the possibility of returning from my heretical position of naturalism to your orthodox one of super-

naturalism, without disregarding the relevant facts which have been scientifically established and generally received by men of science, I will, and hereby agree to do two things:

1. I agree to receive such committee at Galion, providing: (1) that the sessions of the conference are held in Brownella Hall, the doors of which will be open to all comers, and (2) that a court stenographer is employed to make for publication a full record of what is said at the sessions.

2. I agree to resign my seat in the House of Bishops, providing that three judges, the first chosen by the Presiding Bishop, the second by me, and the third by the two, shall state in a majority report that the issue of the conference has been to satisfy them that, according to the Anglo-American standards of orthodoxy, there is no conflict between Christianity and scientism concerning: (1) the origin, sustenance and governance of the universe, and (2) the creation of Adam and Eve; the planting of the Garden of Eden; the fall of Adam and Eve and its effects; the birth of Jesus; his death and descent into hell; his resurrection and ascension into heaven, and his second coming to raise all deceased men, women and children from the dead and to judge and send them to heaven or hell.

If this offer is accepted, I desire, but of course do not require, that the House's committee should consist of Bishop Manning, who says that there is no conflict between Christianity and scientism; and Bishop Gailor, who says that it would be as easy to produce a crushing answer to my heretical representations in the booklet, *Communism and Christianity*, as to smash a fly with a sledge hammer; and Professor Osborn, who, in effect, says that men of science are coming to the acceptance of the biblical representations concerning our solar system in general and its terrestrial life in particular.

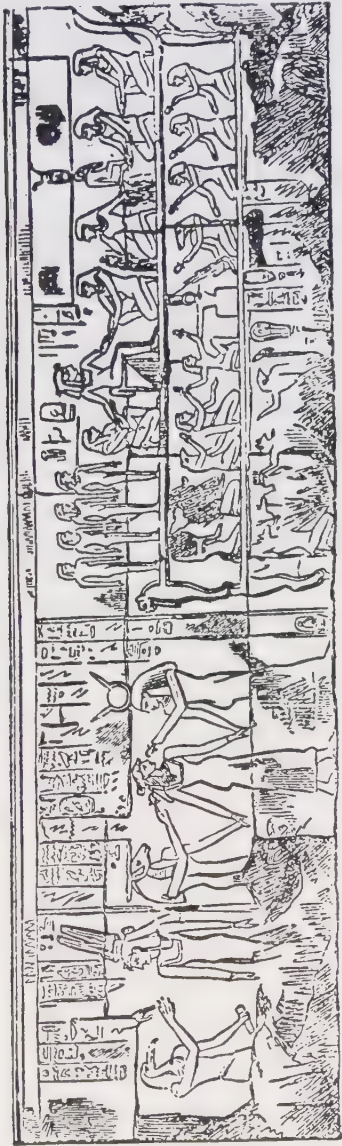
If this offer is accepted, let it be with the understanding that the traveling and entertaining expenses of the committee on the orthodox side, and also those of the judges shall be paid by the Church. I would furnish the hall and pay the expenses of the two scholars who with myself would constitute the committee of three on the heterodox side.

W. M. B.

DEFENDANT'S EXHIBIT 1.

Egyptian Sun Myth, and Letter, West to Brown.

(Filed May 30, 1924.)



Monday, May 5.

525 Forest Ave.,
Oak Park, Ill.,

Bishop Wm. M. Brown,
Galion, Ohio.

My dear Bishop Brown:

I am inclosing a better copy of a photograph taken of a scene from the Temple of Luxor, at Thebes, Egypt. This Temple was built by Amenhept III., about 1600 B. C. This, to my mind, is very conclusive evidence that the gospel story of the divine Annunciation, the miraculous Conception, the Birth, and the Adoration of the Messianic child, was obtained from the mythos of ancient Egyptian sun-worshipers.

In these engraved hieroglyphics the maiden queen Mut-em-Ua, the mother of Amenhept III., a Pharaoh of the eighteenth dynasty, her future child, impersonates the virgin mother who bore without the fatherhood, the mother as the solar boat, the mother of the Only One, Horis.

I thought you might want a cut made of this scene for use in defence of your published statement that "Jesus was a son-myth." So, I had a good copy made of my cut for you to use, if you desire.

The story, it will seem, is represented in four consecutive scenes, and was found upon the innermost walls of the holy of holies.

The first scene on the left hand shows the god Taht, the lunar Mercury, the divine Word or Logos, in the act of hailing the virgin queen, announcing to her that she is to give birth to the coming son.

In the next scene the god Kneph (in conjunction with Hathor) gives her life. This is the Holy Ghost or Spirit that causes conception; Kneph being the spirit. Impregnation and conception are made apparent in the virgin's fuller form.

Next, the mother is seated on the midwife's stool, and the child is supported in the hands of one of the nurses.

The fourth scene is that of the adoration. Here the child is enthroned, receiving homage from the gods, and the wise men are presenting their gifts. The three wise men are behind the god Kneph, on the right, kneel-

ing and offering gifts with the right hand and holding the phallic symbol of life in the left.

The child thus announced, incarnated, born, and worshiped was the Pharaonic representative of the *Aten* sun, the *Adon of Syria*, Hebrew *Adonai*, the child Christ of the *Aten* cult, the miraculous conception of the ever-virgin mother personified by Mut-em-Ua.

With all good wishes for the Bishop and Mrs. Brown, I am,

Yours very truly,

E. S. WEST.

DEFENDANT'S EXHIBIT 2.

(This exhibit is the book, "Communism and Christianity," attached to this Record.)

NOTE. There was no exhibit marked Defendant's Exhibit 3.

DEFENDANT'S EXHIBIT 4.

Bishop Brown's Defense.

(Filed May 31, 1924.)

To the charge of heresy my defense will be twofold:

First, there is no tribunal with authority to try or condemn me, a retired bishop, for alleged errors of doctrine. I have long ago withdrawn from the ministry and from all church functions and am exercising my right of free speech as a private American citizen.

Second, my alleged errors of doctrine are simply an interpretation of Scriptures symbolically instead of literally. If that be heresy—all the bishops and leaders of the church for the past hundred years have been tarred with the same brush. Not one accepts all the Scriptures literally.

Upon the first point I shall produce records to show that the Protestant Episcopal Church, ever since the Reformation, has consistently held that no bishop is subject to his fellow bishops in matters of doctrine. It was upon this very point the Church of England declared its independence of the "Bishop of Rome" and the papal hierarchy. To assert now that my fellow Bishops in America can sit in judgment upon my doctrinal utterances is to repudiate the fundamental principle of the Protestant Reformation.

If the "fundamentalists" succeed in deposing me, or even in bringing me to judgment before them, their next logical step should be to recant their Protestant heresy and submit themselves to the Pope at Rome. Otherwise they will stand convicted of gross intellectual dishonesty.

If Jesus lived and founded a holy, catholic and apostolic church, according to the tradition of the Church of England, I claim that I am one of his Apostles or Bishops in that Church and am responsible to Him alone for my doctrine, not at all to my fellow Apostles or Bishops, collectively or individually. I owe allegiance in spiritual and doctrinal matters to no one below the "Head of the Church"—which is expressly Jesus Christ. Every Bishop is the direct Representative of Him, and of no lesser power. For my fellow Bishops to try me would be to usurp the authority of Jesus. Just as Paul differed in doctrine from his fellow Apostles, and none dared sit in judgment upon him, so I claim the right to differ from my fellow Bishops.

The Church never has presumed, hitherto, to punish heresy or errors of doctrine in its bishops. The State might, but not the Church.

English writers have held that the Convocation of Clergy (corresponding to the Convention of the American Church) might declare opinions heretical, but could not proceed against the offender, even when he was a clerk in holy orders. Phillimore (Ecc. Law) says the Convocation has no power to condemn clergymen for heresy.

The Church never has even defined what constitutes heresy. The English State did that. Heresy was a state and secular offense. In order to find a definition of what constitutes indictable error of doctrine, my accusers will have to go back to a statute passed by the English Parliament in the first year of the reign of Queen Elizabeth—1557. When that definition of heresy was framed men were still burning witches; they believed in sorcery, “black magic,” compacts with the devil, devils with horns and forked tails, the “king’s touch,” and that God’s wrath caused lightnings, storms, earthquakes, plagues, and comets, and a thousand other absurdities, which the light of modern science has swept away.

If the Church is so blind to modern thought and science that it will hark back to the bigoted and superstitious age of Elizabeth for authority and means of condemning me and my utterances, it will not be I but the Church that will be condemned and destroyed by my trial.

Upon the second point—my interpretation of the Scriptures symbolically instead of literally—I expect to put on record my fellow bishops of the Episcopal Church as to whether they accept literally all parts of the Bible. I shall question them on the witness-stand as to their literal belief in the following:

- That God made the world in six days;
- That He caused vegetation to grow on the earth before creating sun, moon, or stars;
- That He made Eve out of Adam’s rib;
- That the Serpent tempted Eve to eat the forbidden fruit;
- That God made coats of skins for the guilty pair;
- That the sons of God married the daughters of men;
- That God gave Noah instructions how to build an Ark;
- That Noah took into the Ark pairs of all living creatures;
- That the flood covered the earth and drowned all except those in the Ark;
- That God came down and confounded man’s speech at Babel;

That God performed the wonders and sent the plagues on Egypt recorded in Exodus;
That Jesus was literally born of a virgin;
That He raised Lazarus literally from the dead;
That He literally performed such feats of magic as walking upon water, turning water to wine, and feeding 5000 people upon 5 loaves and 2 small fishes and leaving 12 baskets of broken pieces;
That He literally descended into Hell and then literally and bodily, in the sight of many who watched him going up, ascended into Heaven.

In short I mean to make the clergy admit either they are hopelessly at outs with modern science and common-sense, or are themselves rejecting large portions of the Scriptures (as literally interpreted) and giving to such passages only a symbolic meaning.

If I succeed in thus making my accusers and the others admit that the Bible cannot, as a whole, be literally accepted today, my cause is won. Whether I win or lose the verdict of the tribunal afterwards, I shall have won the moral victory. They cannot themselves reject a literal interpretation of some parts and then expel me for rejecting others. If they do, it will be at a price which will "stagger humanity." They will be pilloried in public opinion as playing church politics and not as upholding any principle, religious or otherwise. Can the Church survive such an exposure?

There is in fact no literal acceptance of all the Bible by the leaders of modern church thought.

I expect to prove this by such authorities as Dean Inge, Canon Sanday, Bisop Gore, Canon Driver, Canon Cheyne and others.

I am singled out for attack by the "fundamentalist" faction, I verily believe, not because of my symbolical interpretation of the Scriptures but because of my unpopular political opinions. It was not because I applied the test of Darwinism to the Bible and to accepted religious notions; but because I championed the unpopular political and industrial movement called Communism, I was marked for decapitation.

It is hoped by my assailants that because of the unpopularity of my political expressions, the "modernists" will not dare to defend me in my theological ex-

pressions. Thus, standing alone, I should, they think, prove an easy victim.

Yet, if my jurisdictional objections are overruled, and I am brought to trial, I shall welcome the fight!

It will be an opportunity. I would, if I could, vindicate the church from that fatal absurdity into which the conservative or "fundamentalist" faction, under the pretext of defending it, are treacherously beguiling it. My heresy trial may prove to be the trumpet call to startle into wakefulness all who would protect and preserve religion for the coming generations.

The church, to survive, must adapt itself to human life. It must cast off bravely its antiquated and outgrown stuff—its bloodthirsty anthropomorphic gods made in man's barbarous image; its windowed heavens above the earth from which angels flit down to control our affairs; its fire-heated hells underfoot from which devils jump up as through trapdoors to snatch sinners; its miracle-mongers. It must tear off all these frowsy and threadbare old trappings of the Dark Ages. It must broaden its religious conceptions to conform to the advance of modern knowledge. It must formulate a satisfying answer to the present day's social and intellectual unrest. As one of the Church's bishops recently said:

"Each generation demanding life looks into the face of the Church, her worship and doctrine, and puts the question, 'Can you minister to our moral and spiritual life? If so, we gladly appropriate and incorporate you into our life. If not, we must look elsewhere.'"

Sherwood Eddy, returning from a tour through 22 countries, across Asia and Europe, cries, "We face an insurgent world!" He declares:

"There is a revolt against the materialism of 'our machine-made civilization.' We have progressed in the development of material resources by scientific invention more than in the discovery of moral and spiritual forces with which to control them."

He says:

"There is revolt against authority and against the exploitation of the many by and for the few."

Is the Church with its present parade of childish antiquities offering a satisfying answer to the world's demand for more fulness and freedom of "life"?

No sane or honest thinker can say yes. But because I, in phrases that shock and shatter the smug self-conceit of our ecclesiastical Bourbons, strive to arouse the religious world to the great crisis and the great opportunity, I am to be cast into outer darkness as an "atheist"!

Well, they have made a pit and digged it, but it remains to be seen who will fall into the ditch which they have made.

BISHOP WILLIAM MONTGOMERY BROWN.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

MOTION TO DISMISS.

(Filed May 31, 1924.)

Now comes the defendant at the close of all the testimony offered by the prosecution and moves the Court to arrest this action and dismiss same for the reason that the prosecution has failed to show the holding or teaching of any doctrine advisedly contrary to the doctrine of the Church; or to prove any errors of doctrine committed by defendant; and has failed to introduce any doctrine in evidence upon which to base said claim of error; and has wholly failed to establish by testimony the allegations of the presentment.

JOSEPH W. SHARTS,
Attorney for Defendant.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

· IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

MOTION FOR A NEW TRIAL.

(Filed June 4, 1924.)

The defendant moves the Court to set aside the verdict heretofore rendered herein and to grant a new trial in this cause for the following reasons:

First: Said verdict was not sustained by sufficient evidence;

Second: The Court admitted on the trial improper evidence on the part of the Church Advocate;

Third: The Court refused to admit proper evidence offered by the defendant;

Fourth: The Court improperly denied defendant's motion to dismiss at the close of the Church Advocate's testimony;

Fifth: There were other errors of law appearing upon the trial prejudicial to the defendant;

Sixth: The verdict was contrary to the evidence.

Seventh: The verdict was contrary to the law.

WILLIAM MONTGOMERY BROWN,

By: JOSEPH W. SHARTS,

His Counsel.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

NOTICE OF APPEAL AND REASONS OF APPEAL.

(Filed July 23, 1924.)

Now comes the defendant, Bishop William Montgomery Brown, and reserving all questions as to the legality of the constitution of the Court for the Review of the Trial of a Bishop, gives notice of appeal from the judgment of the Trial Court, to wit: the Court for the Trial of a Bishop to the Court for the Review of the Trial of a Bishop, and does hereby so appeal from the verdict and judgment of the said Trial Court in the above entitled action, and assigns the following reasons for this appeal, to wit:

There was error in the said proceedings below in the following particulars, to wit:

(1) One of the Judges sitting in the Court for the Trial of a Bishop and participating in the deliberations, verdict and judgment thereof, was not a lawful member of said Court, to wit: Herman Page, D.D., Bishop of Michigan;

(2) One of the duly elected and qualified members of said Court, to wit: the Bishop of Spokane, was not notified of the time or place of trial nor given opportunity to sit as Judge or member of the Trial Court;

(3) The Presiding Judge of the Trial Court was duly requested on or about the 22nd day of April, 1924, to issue commissions to take the depositions of divers witnesses as provided in the Canons of the Church and failed and refused to grant the said application or to cause the said commissions to issue;

(4) The Trial Court erred in overruling defendant's motion to dismiss the action for lack of jurisdiction;

(5) The Trial Court erred in overruling defendant's motion for leave to examine the members of the Court upon their *voir dire*;

(6) The Trial Court erred in overruling defendant's motion to quash the presentment;

(7) The Trial Court erred in overruling defendant's motion to require the Church Advocate to give him a bill of particulars;

(8) The Trial Court erred in overruling the defendant's demurrer to the presentment;

(9) The Trial Court erred in overruling the defendant's challenges of each and every member of the Trial Court individually, with the exception of the Bishop of Mississippi;

(10) The Trial Court erred in requiring the defendant to state in writing what he expected to prove by the witnesses whose depositions he desired to have taken;

(11) The Trial Court erred in overruling the defendant's motion for a continuance to enable him to secure the depositions of witnesses;

(12) The Trial Court erred in overruling the defendant's application for commissions to take the depositions of sundry witnesses;

(13) The Trial Court erred in overruling the defendant's motion made at the close of the Church Advocate's testimony to dismiss the presentment;

(14) The Trial Court erred in refusing to permit the defendant's counsel to present argument to the Court upon the said motion to dismiss except under threat that if argument were presented the Court would refuse to permit the introduction of any testimony on defendant's behalf;

(15) The Trial Court erred in taking judicial notice of the doctrines of the Protestant Episcopal Church and excluding testimony as to such doctrine;

(16) The Trial Court erred in refusing to state what was the doctrine of the Protestant Episcopal Church of which the Court took judicial notice;

(17) The Trial Court erred in ruling that what the doctrine of the Church is in any particular is not to be

determined by the opinion of witnesses, and in excluding the testimony of witnesses upon that subject;

(18) The Trial Court erred in sustaining the objections of the Church Advocate to various questions asked of the defendant's witnesses;

(19) The Trial Court erred in overruling the defendant's motion at the close of all the testimony to dismiss the presentment;

(20) The Trial Court erred in rendering a verdict of "Guilty" on each and every one of the twenty-three charges of the presentment, and in rendering the judgment of "Guilty" as to each and every one of those charges against the defendant.

(21) There was error in other rulings of the Court shown in the record and duly excepted to by defendant.

WILLIAM MONTGOMERY BROWN,

By JOSEPH W. SHARTS, Esq.,

His Counsel.

IN THE BISHOPS' COURT
Of the Protestant Episcopal Church
For the United States of America.

IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

STIPULATION.

(Filed Oct. 1, 1924.)

It is stipulated and agreed by and between the parties hereto, namely the Church Advocate and the said Accused as follows:

Whereas, the Accused filed with the Trial Court a motion for a new trial, and has also filed in the Court of Review for the Trial of a Bishop, a Notice of Appeal from the judgment of the Trial Court; and,

Whereas, the canons relating to the Trial of a Bishop in the Trial Court, and in the Court of Review, contain provisions which seem to be in conflict, and both parties to this proceeding and this stipulation desire to agree upon the construction of said canons for the purpose of this cause only.

Now, therefore, the parties hereto agree that the said canons shall for the purpose of this Appeal, be construed to mean and intend that the Notice of Appeal has stayed all further proceedings in the Trial Court during the pendency of said Appeal in the Court of Review.

It is further agreed that during the pendency of said Appeal no further proceedings shall be had in the Trial Court, and that the Trial Court need not convene upon the 14th day of October, 1924, that being the day to which said Court has adjourned, but that said Court shall stand adjourned until such later time as the stay of proceedings shall have terminated, and may then be called together upon the order of the President of said Court, which order shall have the same force and effect as though made by said Trial Court as its session on the 31st day of May, 1924, due notice of said order being given to both parties by the President or Clerk of said

Court by registered mail, not less than fifteen days prior to the date of said session.

It is further agreed that for the purpose of this Appeal, the findings and judgment of the Trial Court made and entered on the 31st day of May, 1924, shall be regarded as the final judgment within the meaning of Section I, II, and III of Canon 33.

It is further agreed that no objections or exceptions shall be made or taken by either party hereto to procedure had in accordance with this stipulation, and that this stipulation shall become part of the record of the Court of Review, and likewise part of the Trial Court.

CHARLES L. DIBBLE,
Church Advocate.

JOSEPH W. SHARTS,
Counsel for Accused.

CERTIFICATE OF CLERK.

I hereby certify that the foregoing is a correct record of documents and papers filed with me before, during and after the trial.

CHARLES C. BUBB,
*Clerk of the Court for the
Trial of a Bishop.*

October 3, 1924.

PROCEEDINGS.

The Court convened at Trinity Cathedral House, May 27, 1924, at 2:00 o'clock P. M., and was called to order by the President of the Court, Right Reverend John Gardner Murray, Bishop of Maryland, the other bishops sitting on the trial being Right Reverend Fred-eric F. Reese, Bishop of Georgia; Theodore D. Bratton, Bishop of Mississippi; Benjamin F. Brewster, Bishop of Maine; William F. Faber, Bishop of Montana; Edwin M. Parker, Bishop of New Hampshire; John D. McCormick, Bishop of Western Michigan; Herman Page, Bishop of Michigan.

Appearances: For the prosecution, Charles L. Dibble, Esq., Church Advocate, assisted by John H. Smart, Esq. For the defendant, Joseph W. Sharts, Esq., Mr. Edward Bushnell of counsel.

The session opened with the recitation of the Apostles' Creed by the President of the Court, accompanied by those present.

The President: As President of the Court for the Trial of a Bishop in the Protestant Episcopal Church in the United States of America, I convene the said Court here, pursuant to the canonical call formally issued, and appoint as clerk of the Court Reverend Charles C. Bubb, as assistant clerk, Reverend V. A. Peterson, and call upon Mr. Bubb to call the roll of the Court and ascertain whether we have a quorum present.

The Clerk: The Bishop of Maryland.

Bishop Murray: Here.

The Clerk: The Bishop of Georgia.

Bishop Reese: Here.

The Clerk: The Bishop of Newark.

(No answer.)

The Clerk: The Bishop of Mississippi.

Bishop Bratton: Here.

The Clerk: The Bishop of Maine.

Bishop Brewster: Here.

The Clerk: The Bishop of Montana.

Bishop Faber: Here.

The Clerk: The Bishop of New Hampshire.

Bishop Parker: Here.

The Clerk: The Bishop of Western Michigan.

Bishop McCormick: Here.

The Clerk: The Bishop of Michigan.

Bishop Page: Here.

The President: There is a quorum present, and the Court makes the further appointments: Assessors, Henry B. Harlan, Esq., Richard Inglis, Esq., and the Court has here certificates to the effect that both of these gentlemen are communicants of the Protestant Episcopal Church in good standing, Judge Harlan of Emmanuel Church in the city of Baltimore, of the diocese of Maryland, Mr. Inglis of St. James Church, Cleveland, diocese of Ohio. The Court appoints as special court stenographer Mr. Charles W. Chesnutt. The Court is now open for the hearing of the case in the matter of the Presentment of the Right Reverend William Montgomery Brown. The Clerk will call the names of the Church Advocate and the accused.

The Clerk: The Church Advocate, Charles L. Dibble.

Mr. Dibble: Here.

The Clerk: The defendant, Right Reverend William Montgomery Brown.

Bishop Brown: Here.

Mr. Sharts: If the Court please, before the accused can be presented to the Court, there is a matter of jurisdiction to be determined, regularly filed in the form of a motion.

The Church Advocate: If the Court please, I note by the canon that the Court is required at the outset of the proceedings to establish whatever rules of procedure it may care to establish, and I call to the attention of the Court the question as to whether that ought not to precede any consideration of the motion of the defendant, if the Court does care to establish such rules of procedure.

The President: The Court in its judgment, the fellow members thereof agreeing with me, decide that it is not necessary to establish rules of procedure at the present juncture.

The Church Advocate: If the Court please, I have one further announcement which I desire to make at this

point, and that is that my associate, my counsel in this case, is John H. Smart, Esq., of Cleveland, and his credentials and my own as communicants of this Church have been placed on file with the Clerk.

The President: I would say, before we go any further, in connection with counsel themselves, that the Court would like to have filed the certificates of the communicancy of the Church, of both the chief counsel and the assistant counsel, so that they may be a matter of record.

Mr. Sharts: I will state that my own certificates have been handed to the Clerk.

The Church Advocate: As I stated to the Court just now, my certificate and that of Mr. Smart have been handed to the Clerk.

The President: Who is representing the accused?

Mr. Sharts: Mr. Bushnell and myself.

The President: And the accused is in Court?

Mr. Sharts: The accused is not officially in Court until the question of jurisdiction is determined. I don't say that in order to embarrass the Court, but it is a well known rule of procedure, that when a question of jurisdiction is raised, that question must be determined before it can be stated that the defendant is in Court and recognizing the jurisdiction of the Court. I don't wish, in other words, to waive any question of jurisdiction by stating that the accused is here. We will be prepared to plead at any time that the question of jurisdiction is ruled against him.

The President: The accused must be here for that purpose.

Mr. Sharts: He is here for that purpose. He is not here, however, to answer the call of the Court.

The President: We are here for the purpose of considering that question of jurisdiction, and the accused now has the privilege of filing a plea.

Mr. Sharts: If the Court please, the motion that was the official filing of the objection to the jurisdiction, was sent to the presiding Bishop of this Court, and therefore is officially in the hands of the Court. It won't be necessary for me now to file a copy of it. The question then comes up upon the motion that has already been filed. I will read it in order that there may be a refreshment of your memory:

Thereupon Counsel for Accused read the motion which appears on p. 34 of Record.

The motion to dismiss the presentment was thereupon argued by Counsel set for the respective parties.

At the conclusion of the argument the Court adjourned until Wednesday, May 28, at 10 A. M.

SECOND DAY'S PROCEEDINGS.

Wednesday, May 28th, 1924, the Court was called to order by the President, Bishop Murray, and after the usual opening devotion,

The President: The Court is in session, and on the matter of the motion argued before it yesterday, it is the unanimous opinion of the Court that that motion should be overruled. It is so overruled, and counsel for the defendant has the privilege of noting exceptions if he wishes.

Mr. Sharts: Yes, we want our exception noted.

The President: The Court exercising jurisdiction, the Clerk will now read the presentment, unless you waive the reading of it.

Mr. Sharts: We have something further to offer before the reading. If the Court please, I wish to present the following:

Thereupon Counsel for Accused read the "Motion and affidavit to permit examination of members of the Court" which appears on p. 39 of Record.

If the Court please, we believe that we are strictly within our rights, that this is not merely a Court, it is also a jury.

The President: Mr. Sharts, the Court must insist upon the reading of the presentment before hearing this. The Court is exercising jurisdiction and has ruled that the first order of business today is the reading of the presentment, unless counsel waives it.

The Church Advocate: Mr. President, I think the presentment should be read.

The President: The Clerk will read the presentment.

Whereupon the Clerk read the presentment. (For copy see p. 1 of Record.)

The President: The Clerk will read the acknowledgment.

Mr. Sharts: We will waive the reading of the acknowledgment.

The President: The Clerk will now read the certificate of the Presiding Bishop with regard to the service of this presentment.

Whereupon the Clerk read the certificate.

The President: With regard to the sessions, the procedure so far as time is concerned today will be the morning session until one o'clock with an intermission of ten minutes at half-past eleven.

Mr. Sharts: If the Court please, I want first to register our exception to the reading of the indictment prior to the ruling of the Court upon our motion, and upon our motion and affidavit to permit examination of members of the Court. We want the record to show that we have entered our protest fully and emphatically against the call upon the defendant to plead to the indictment, to the ruling of the Court in the matter before we have been assured of a fair and impartial Court hearing.

The President: The exception will be allowed and noted.

Mr. Sharts: Now, regarding our exception, we move the Court further, preliminary to pleading to the indictment, as follows:

In the event said motion be overruled and only in that event, the defendant reserving his exception to said ruling does then and upon that contingency move the Court to quash the presentment herein, upon the grounds and for the reasons following:

Thereupon Counsel for Accused read the Motion to quash the presentment. (For copy see p. 34 of Record.)

1. Said presentment has been filed in disregard of the Canon Law.

2. Said presentment is void for uncertainty, in that it fails to set forth with sufficient particularity to apprise defendant of the nature of the charges made against him, and to enable him to prepare his defense, the following matters:

a. The points of Doctrine alleged to have been controverted, and in what respects.

b. Wherein the alleged heretical statements are contrary to any Doctrine contained in the Book of Common Prayer, and in what respects.

c. Wherein same are contrary to any Doctrine contained in the Apostles Creed, and in what respects.

d. Wherein same are contrary to any doctrine contained in the Nicene Creed, and in what respects.

The President: Just before you proceed, Mr. Sharts, the Court would like to make some inquiry with regard to the question of time. Just how much time do you think you will require?

Mr. Sharts: I have a very voluminous subject. I think it will take me fully one hour to present it.

The President: The Court has in mind, if possible, doing exactly what is fair all the way through by limiting discussions on these motions to an hour on each side. How would forty-five minutes suit you?

Mr. Sharts: I will do my best. I want to submit this subject properly.

The President: The Court would like very much to have counsel confine themselves to forty-five minutes a side on this subject.

The Church Advocate: That will be satisfactory to the Church Advocate, if the Court please.

The motion to quash the presentment was thereupon argued by counsel for the respective parties.

The President: The Court has considered the argument presented on this motion and is of the unanimous opinion that it should be overruled. It is so overruled, and the counsel, of course, is allowed the privilege of an exception.

Mr. Sharts: We enter our exception, and if the Court please, I want again to press upon the attention of the Court the affidavit that was filed in this matter which we presented and read to the Court, in which we have set forth the sworn statement of the defendant as to his reason for believing that there is a feeling of prejudice and animosity among the members of this Court, and demanding the right of *voir dire*, in order that he may question each member of this tribunal be-

forehand, as a lawyer is entitled to question the jury, in order to ascertain whether or not there is any ground for challenge. I will place this affidavit with the Clerk.

The Church Advocate: If the Court please, I would like to be heard a moment on that when my brother has finished.

Mr. Sharts: We have already presented our statement, and I don't care to make any further argument.

The President: I don't think the Court really cares to hear the Church Advocate. The Court is of the opinion that there has not been presented here any authority showing that it is the right or the prerogative of the presentees to make any such interrogation of the Court. Furthermore, the Court is of this further conviction, that it was established by the House of Bishops under the Canons of the Church for the trial of just such cases as this, and it denies the right of any party to the case to interrogate it in regard to its qualifications or impartiality or to interrogate any member of the Court regarding the same. If, however, the presenter should submit to the Court information upon affidavit that he has reason to suppose that there is any such disqualification upon the part of any member of the Court, the Court promises that it will take such under due consideration and decide it upon what seems to them its merits.

Mr. Sharts: That, if I understand the Court, is exactly the form of the affidavit that we have presented. We have set forth the grounds of our belief.

The President: Is that affidavit that you file now what you read this morning?

Mr. Sharts: Yes, where we set forth the ground on which we claim the right to interrogate the Court.

The President: The Court has considered this motion and it is the unanimous opinion that it should be overruled. It is so overruled.

Mr. Sharts: Enter our exception. If the Court please, the third motion that was filed by the defendant in anticipation of the ruling of the Court, is as follows:

"In the event said first and second motion be overruled," of course that would now also include this fresh motion that was filed this morning, "the defendant, reserving his exception to said ruling, does then and upon that contingency move the Court further as follows:

“To require the prosecuting officer, the Church Advocate, to give him a bill of particulars in the following, to-wit:

“a. Setting forth the points of doctrine alleged to have been controverted by the alleged statements of defendant, and in what respects.

“b. Setting forth those parts of the Book of Common Prayer which the prosecution alleges to be the doctrine of the Church, and in what respects the alleged statements are contrary thereto.

“c. Setting forth those parts of the Apostles’ Creed which the prosecution alleges to be the doctrine of the Church, and in what respects the alleged statements are contrary thereto.

“d. Setting forth those parts of the Nicene Creed which the prosecution alleges to be the doctrine of the Church, and in what respects the alleged statements are contrary thereto.”

The argument that I have to offer on that will be comparatively brief, because—

The President: Mr. Sharts, with the consent of counsel, will you just consider the same time for discussion.

Mr. Sharts: I won’t need that time.

The motion for a bill of particulars was thereupon argued by counsel for the defendant.

The Church Advocate: I don’t think that it is necessary for me to say anything more. My associate and myself have expressed our point of view as to the degree of particularity which is required in regard to the presentment, and the same issue precisely is involved in this motion. There isn’t anything further that we care to add at this time.

The President: The Court has conferred and is ready to announce its opinion upon this motion. It is of the unanimous opinion that it should be overruled. It is so overruled, and counsel for defendant has the privilege of noting an exception.

Mr. Sharts: Yes, we enter our exception. If the Court please, I will now read the demurrer which was prepared in anticipation of the present ruling of the Court:

“In the event said motions be overruled, the defendant reserving his exception to said rulings and each of them, does then and upon that contingency demur to the presentment upon the grounds and for the reasons following:

1. This court has no jurisdiction of the person of the defendant.

2. This court has no jurisdiction of the subject matter of the presentment.

3. The said presentment fails to set forth with sufficient particularity to apprise defendant of the nature of the charges against him or to enable him to prepare his defense, the following matters:

a. The points of doctrine alleged to have been controverted, and in what respects.

b. Wherein the alleged heretical statements are contrary to any doctrine contained in the Book of Common Prayer, and in what respects.

c. Wherein same are contrary to any doctrine contained in the Apostles' Creed, and in what respects.

4. Said Presentment does not set forth facts constituting an offense against the doctrine of the Church.

The President: The Court is ready to rule upon the demurrer. It is of the unanimous opinion that it should be overruled. It is so overruled. Counsel for defendant may note an exception. The accused will now plead to the presentment.

Mr. Sharts: If the Court please, before the plea we want to have the record show that we challenge individually each and every member of this tribunal, with the exception of the Bishop of Mississippi, for the reason, it is necessary for me to state, that we asked each member of this Court by mail, prior to these proceedings, to give us a statement upon his honor whether or not he had read the defendant's book, whether or not he had formed an opinion upon it, and whether or not he was competent to sit in this Court as a fair and impartial judge and juror, and that they declined to answer, with the exception of the Bishop of Mississippi.

The Bishop of New Hampshire: May I say that there was nothing in the letter which I received regarding the reading of the book.

The President: In regard to this matter, of course the request of counsel is granted, and in that connection I would simply say for myself that the grounds of disqualification are very fully set forth in the Canons of the Church, and upon those grounds is based the opinion of the Court in this matter. The presented will now plead to the presentment.

Mr. Sharts: We will enter a plea of "Not guilty."

The President: The Church Advocate will now proceed to present his evidence.

The Church Advocate opened the case for the prosecution.

The President: We will adjourn until 2 o'clock this afternoon.

AFTERNOON SESSION.

The Court resumed the trial at 2 o'clock P. M., the President of the Court, Bishop Murray, presiding.

Mr. Sharts: If the Court please, it will be impossible for us to go ahead. The defendant has been, as probably the tribunal knows, in very precarious health. He has been in Court thus far under heart stimulants, and this noon he has had a severe relapse after going to his hotel, and he is unable to get here for at least a half an hour, so that it will be impossible for us to go ahead with the regular proceedings.

I will have to call the Court's attention, however, to another matter. It is a matter of record with this Court that a considerable time ago counsel for the defendant filed with the Presiding Bishop of the Court an application for the appointment of commissioners to take the depositions of a large number of witnesses that the defendant wished to call in this case. The application, I think the Court will agree, was filed in perfect form, but the Presiding Bishop of the Court stated at that time that he could not rule upon the application for the appointment of commissioners, but he would have to await the session of the tribunal; so that we were unable at that time to obtain the taking of depositions of those witnesses that we expected to call whom we had no reasonable prospects of expecting to find here. So we are in this position, that our regular process that was issued for taking depositions was held up waiting for this session of the tribunal. In the meantime we sent out our

summons. They were issued. I understand that the great part of those summoned on behalf of the defendant have acknowledged receipt of the summons. I have made inquiry of the Clerk of the Court as to how many have reported attendance, and he tells me he does not know of any.

Now, unless this Court is in a position to assure us that our witnesses are in attendance, I must move at this time for a continuance until such time as we can obtain the testimony that is missing. So I therefore make the motion at this time that inasmuch as it appears that the process of the defendant for bringing of witnesses on his behalf has been ignored, that his witnesses are not in attendance, that we have this case continued until such time as these witnesses can be procured either personally or by means of depositions.

The President: Mr. Sharts, before passing upon that motion, the Court would like to hear from counsel on both sides as to whether they propose to proceed under the laws of Ohio or under the rules of common law. It will be necessary for the Court to have that information to give proper consideration to your motion. We would like to know what the law is.

The Church Advocate: If the Court please, that is a matter of construction of the Canons, of course. The Canon says that the Court shall be governed, so far as the rules of evidence are concerned, by the law of the state in which the case is being tried, and otherwise, as to procedure, by the common law. Now, I am frank to say that I haven't given this question any consideration, as to whether or not the matter of the production of witnesses, the production of evidence, would be a matter which would be governed by the laws of the state in which the case was tried, or a matter of the common law. It is a question of construction, and if the Court desires a considered opinion from counsel on either side, so far as the Church Advocate is concerned, I would have to say that we would desire a little time to consider that question, because it is a matter to which we have given no consideration at all.

Mr. Sharts: On behalf of the defendant I should have to say that counsel on this side are in the same predicament. If there is an option in the matter at all, we would have to make careful investigation before we could make a choice.

The President: How long would you say?

Mr. Sharts: I should think we would have to have time at least to go to the office, and due to the fact that the defendant is in the condition that he is, I don't see that we can proceed. I would suggest that we take until tomorrow morning, because it is an important thing for us.

The President: Not if you can possibly get yourself in a situation to give us the information this afternoon.

Mr. Sharts: Couldn't we arrange at least to give the defendant the afternoon to rest, and we proceed to reconvene for the purpose of this consideration, later in the afternoon?

The President: That would be entirely satisfactory to the Court, and I think a very happy solution of the situation.

Mr. Sharts: Mr. Dibble does not perhaps know the statement that I made in his absence, that Bishop Brown is now suffering from a very severe heart attack.

The President: Would you like to make it an hour?

Mr. Sharts: I should say two hours at least, especially in view of the fact we are not going to proceed this afternoon.

The Church Advocate: Two hours will bring us up to about 4 o'clock.

The President: Mr. Sharts, would you object to making your statement in the absence of Bishop Brown, as to what you are going to do, and then after that statement we adjourn for the consideration of this question and proceed tomorrow morning.

Mr. Sharts: I would prefer not to make that statement in his absence, because he is entitled to be present and to hear that statement.

The Church Advocate: It appears to me that perhaps in order to entitle the defendant to a continuance under any system of law, he would be expected to state to the Court what he expected to show by the witnesses who are not here.

The President: That is the reason we are asking for the construction that I requested a moment ago, so that we may know under what law we are operating. The Court has that in reserve, of course, to be presented at the proper time.

Mr. Smart: If the Court please, we have some more Ohio cases on that subject, and with the permission of the Court, we will leave a memorandum of them with the assessors and furnish the other side with a copy.

Mr. Sharts: We are not in a position to discuss them now, we will have to consult a few of the books.

The President: Well, I don't see why we can't save an hour.

The official stenographer read the defendant's motion to continue the case until such time as defendant's witnesses can be procured either personally or by means of deposition.

Mr. Sharts: I would like to add to that, if the Court please, that we further move for the appointment of commissioners for the purpose of taking the deposition, in accordance with our application that was made by mail a number of weeks before this hearing. That is, we want to include in our motion the request for the appointment of commissioners to take the depositions.

The President: Mr. Sharts, will you be kind enough to file those motions as is customary, and accompany them with such information with regard to the question before the Court now as you may be ready to furnish the Court.

Mr. Sharts: By what time, four o'clock?

The President: Yes, I should say four o'clock. The Court is adjourned until four o'clock.

At four o'clock P. M. the hearing was resumed pursuant to adjournment.

The President: Mr. Sharts, have you prepared your motion?

Mr. Sharts: We have prepared the motion. I haven't had an opportunity yet to read the other side's remarks upon it. The motion as we have now framed it is as follows:

Thereupon Counsel for the Accused read said motion. (For copy see Record, page 41.)

That is signed by Joseph W. Sharts with the proper verification, and is accompanied by the following memorandum:

Thereupon Counsel for the Accused read said Memorandum. (For copy see Record, page 42.)

We merely added those two for whatever sidelight they may throw upon the matter, for the benefit of the Court, because it seems to me that the Canon Law upon this subject is distinct enough. It states that if the Court is in session, and if either party, or if the defendant makes the application, that the Court shall thereupon appoint a commissioner to take the deposition of such witness. So that it seems to me that there is nothing left for this Court to do but to comply with the request.

The motion above referred to as filed on or about May 1, 1924, is as follows:

Thereupon Counsel for Accused read said Application for the Appointment of Commissioner to Take Deposition. (For copy see Record, page 12.)

The defendant's motion for a continuance with a view to issuing a commission was thereupon argued by counsel for the respective parties.

The President: The Court is ready to make its statement upon this motion. The Court having asked the opinion of the assessors upon the law with reference to the continuance of the case on the ground of the absence of witnesses who have been summoned and who are not in attendance, the assessors state to the Court that in their opinion the granting or refusing of a continuance on the ground that the accused has not been able to procure the attendance of witnesses, or to enable their testimony to be procured by commission, is a matter in the sound discretion of the Court; and in order to enable the Court to exercise its discretion properly, it is within the province of the Court to require the counsel for the accused to state in writing under affidavit what are the facts which he expects to prove by the absent witnesses and what reasonable ground he has to believe that the witnesses, if present, would testify to these facts, so that the Court may be enabled to judge upon consideration of the facts which it is alleged the witnesses will testify to, whether such evidence, if produced, would be admissible upon the trial of the presentment before the Court. And in accordance with that opinion and advice of the assessors, the Court makes such request of the counsel for the accused.

Mr. Sharts: If the Court please, we want to enter our exception to the ruling of the Court, first, and then

we will offer that affidavit at the morning session. We will have to take the night to prepare it.

The President: There being no other business before the Court at the present, we will adjourn to meet at 10 o'clock tomorrow morning.

THIRD DAY'S PROCEEDINGS.

Thursday, May 29th, 1924, 10 o'clock A. M., the trial was resumed pursuant to adjournment after the usual opening devotion.

The President: The Court would announce that the procedure in regard to the matter of time will be varied somewhat today. The morning session will adjourn at 12:30 and the afternoon session will reconvene at 2:30, two hours intermission. Mr. Sharts, the Court will hear you now.

Mr. Sharts: If the Court please, the first thing I want to call the Court's attention to is the correspondence that passed with regard to the application for taking depositions; I have had some slight differences.

The President: The Court doesn't care to have you read it.

Mr. Sharts: I should like to file it as a part of the record, if I may.

The President: That is allowed, you may do that.

The correspondence offered in evidence is found on pages 43 to 55.

After this correspondence had been read into the record Counsel for defendant presented a motion for a continuance to take depositions. This motion and the affidavit in support thereof is set out in this record at pages 57 to 91.

The Church Advocate: Now, if the Court please, a great many questions appear to have been raised by these interrogatories, and if the Court would grant the Church Advocate the indulgence of a few moments to confer with his advisers and counsel, we will be able to give the Court our position upon them.

The President: Very well.

The Church Advocate: We will withdraw to our counsel room and come back as soon as we can.

At this point a short recess was taken.

The Church Advocate: May it please the Court as to the motion of counsel for the defendant, the Church Advocate wishes to urge that the motion to be denied, for the reason—that is to say the motion for a continuance for an opportunity to take depositions—for the reason that each and all and every of the interrogatories that counsel has annexed to his motion and which he states he expects to inquire of the witnesses if they are produced here upon the adjourned day, that each and all of those interrogatories are or would be, if they were asked, irrelevant, incompetent and immaterial, and hence that nothing would be gained by producing the witnesses or any of them, or by the answers to any of these questions, and that if the questions were asked or the depositions were produced in Court, that this Court would be bound to regard them as irrelevant, immaterial and incompetent and to exclude the testimony if it were offered here in Court. And after this general objection, I propose to take up each of the interrogatories in question, one at a time, and state briefly my reason for the objection.

Argument of Church Advocate in Support of Objections omitted from Printed Record.

And after these general objections, I propose to take up each of the interrogatories in question, one at a time and state briefly my reason for the objection. (Argument of Church Advocate in support of objections omitted from the printed record.)

The President: Mr. Dibble, do you really feel it necessary to take them up one by one? Couldn't you object to them all, if that is what you have in mind?

The Church Advocate: There is a slightly different objection to some of them, and I will be very brief. I don't intend to argue them, simply to state my objections.

The President: All right.

The Church Advocate: The fifth question, "Wherein are the doctrines of the Protestant Episcopal Church set forth?" That is objected to as irrelevant and immaterial and incompetent, and also because it is not the best evidence, and also because it is a question at law, and also because it calls for the opinion of the witnesses, and also because it is a matter of which this Court takes judicial notice.

Question 7, "By what method have changes been made, or can they be made, in the doctrines of the Protestant Episcopal Church?" is objected to for the same reasons as Question 5, and for the further reason that any changes that have been or may hereafter be made in the law are not in any way material. The question is, what the law is at the present day, what the doctrine is at the present day.

Question 8, "What changes, if any, have been made in the said doctrines during the last 25 years? In the last 300 years?" is objected to for the same reasons as the preceding question. If a man were tried in a civil court for a crime, it would not be competent for him to inquire or produce witnesses to show whether the law under which he was being tried was enacted a year before or three hundred years before.

The next question is question 9, "In your opinion are the said doctrines as now constituted permanent, perfect, and immutable?" That is objected to for the same reasons as the previous questions, and each and

all our objections to the previous questions are renewed as to this one.

Question 16, "Has there been any change in these Articles since their establishment 123 years ago?" Same objections as in the preceding case.

"Q. 17. If any or all of the statements of the Articles are included in the doctrines of the Church, are they taken in a literal sense, or in a symbolical sense, or some literal and some symbolical?" Same objections as to the preceding question.

"Q. 18. If any are taken in a symbolical sense, what authority has been or is now vested with power to determine which are symbolical and to interpret such?" Same objection as to the preceding question. This is purely a question of law.

"Q. 19. Article IV of the Articles states as follows: 'Christ did truly rise again from death, and took again his body, with flesh, bones, and all things appertaining to the perfection of Man's nature; wherewith he ascended into Heaven, and there sitteth, until he return to judge all Men at the last day.'

"Is that statement included in the essential doctrine of the Protestant Episcopal Church of the U. S. A.?" Same objection as in the other cases.

"Q. 20. If yes, is it included in a literal sense? What authority has so decided?" Same objection.

"Q. 21. Article XVIII of the Articles states as follows:

'They also are to be had accursed that presume to say, That every man shall be saved by the Law or Sect which he professeth, so that he be diligent to frame his life according to that Law, and the light of Nature. For Holy Scripture doth set out unto us only the name of Jesus Christ, whereby men must be saved.'

"Is it a part of the doctrine of the Protestant Episcopal Church that 'they who presume to say' the thing set forth in said Article are to be accursed?" Same objection.

"Q. 22. If no, how shall it be determined what part of the Article is, and what not, included in the doctrine of the Church?" There is the same objection to that as to the others, that it is a question of law and a question of doctrine and a matter within the judicial cognizance of

this Court, and not a matter of evidence; and for the further fact that it is incompetent, irrelevant and immaterial, by being based upon question 21, and if question 21 is immaterial, incompetent and irrelevant, then this one is.

“Q. 23. Is the belief in ‘the resurrection of the body’ as expressed in the Apostles’ Creed included in the essential doctrine of the Church?” Same objection as to the others.

“Q. 24. If yes, are the quoted words to be taken literally or symbolically? If symbolically, what authority has so decided, and just what is the meaning?” The same objection as to the other question, with this additional objection, that the first part of the question calls for the opinion of the witness, the interpretation of the witness, and does not call for and does not ask what the interpretation of the Church is, but it asks the witness to state to this Court as to whether the quoted words are to be taken literally or symbolically, and the opinion of the witness upon that question is of no importance.

“Q. 25. What authority of the Church has power to determine what part of the Apostles’ Creed is to be taken symbolically and what literally?” Same objection, that is, the same general objections which I have been making to this not the specific objection that I made to the previous question.

“Q. 26. Is the statement of the Nicene Creed that God is ‘the maker of all things visible and invisible’ a part of the doctrine of the Protestant Episcopal Church?” Same objection.

“Q. 27. If yes, are the quoted words to be taken literally or symbolically? If symbolically, what authority has so decided?” Same objection as to the previous question and the additional objection that the witness’ opinion is asked, and the opinion of any individual witness is immaterial. The witness may or may not correctly state the doctrine of the Church, and it is immaterial.

“Q. 28. What authority of the Church has power to determine what part of the Nicene Creed is to be taken symbolically and what literally?” Same objection, that this is a question of law, a question for the judicial cognizance of the Court and not for the opinion of the witness.

“Q. 29. What is the doctrine of the Protestant Episcopal Church in the U. S. A. on the question whether or not its divinity is a symbol of humanity?” Same objection.

“Q. 30. Wherein is that doctrine contained?” Same objection.

“Q. 33. Do you believe that the doctrinal sources to which you refer are susceptible of none save a literal interpretation, and that a symbolical meaning cannot be attached to them?”

This is objected to as calling for a conclusion of the witness upon a question of doctrine, and calling for the opinion of the witness, which is entirely immaterial, and what that witness may believe or think is immaterial in this case. The defendant is being tried in this case and not the witness.

“Q. 34. Is such the belief of a majority of the Bishops of your Church?” Objected to for the same reason, that the belief of the majority of the bishops of the Church is not on trial, that the other bishops are not on trial in this Court, and for the further reason, the same objection I made to the other question, that the belief of the majority of the bishops of the Church is immaterial, if it could be ascertained; and for the further reason that this witness could not state, it is obviously out of the power of any witness to state what the belief of the majority of the bishops of the Church is, because all he knows is his own belief, and if he attempted to state the belief of any one else he would be stating hearsay.

“Q. 35. What is the doctrine of the Protestant Episcopal Church as to whether we may hopefully look to a lamb of God for the taking away of the sins of the world?” The same objection that has been made to the others, the same general exception that I made to all the others, or to most of the others.

“Q. 36. Wherein is that doctrine contained?” Same objection.

“Q. 37. Are the statements on that subject of the doctrinal source to which you have referred to be accepted in a literal or in a figurative or symbolic sense?” Same objection.

“Q. 38. If the phrase ‘Lamb of God’ may properly be taken in a symbolic sense only, is it not equally per-

missible to accept the phrase 'Son of God' in a symbolic sense only?" Same objection.

"Q. 40. What is the doctrine of the Protestant Episcopal Church on the question whether gods in the skies (Jesus, Jehovah, etc.) are objective realities rather than subjective symbols of human potentialities and attributes, and of natural laws?" Same objection.

"Q. 42. The 9th count of the Presentment in this case, quotes the following utterance of the defendant:

" 'As an objectivity there is no such divinity' (meaning thereby the Triune God, Father, Son and Holy Spirit). 'He is a subjectivity existing in the imagination of orthodox Christians.'

"Is the foregoing utterance contrary to the doctrine of the Protestant Episcopal Church?

"If yes, to what doctrine, and where found?"

That is subject to the same objection as the other questions and this further objection, that that is the whole question before this Court, as to whether the utterance of the defendant is contrary to the doctrine of the Protestant Episcopal Church, and it is a fundamental rule of evidence that the opinions of witnesses cannot be asked or obtained as to the whole question at issue: that the question is to be determined by the Court and is not subject to opinion evidence.

"Q. 44. Is the statement that Jehovah and Jesus are forms of the sun-myth, contrary to the doctrine of the Protestant Episcopal Church? If yes, to what doctrine and where found?" The same general objections that have been made to the other questions.

"Q. 45. Is it the doctrine of the Protestant Episcopal Church that personal conscious gods in the skies have had anything to do in creating, sustaining and governing this world? If yes, what is its doctrine in that respect, and where found?" Same objection.

Thereupon Counsel for the Accused argued in opposition to the objections made by the Church Advocate.

The President: In order that the Court may take this matter under advisement, and will adjourn now until 2 o'clock instead of 2:30.

AFTERNOON SESSION.

The Court convened at 2 o'clock, P. M., Bishop Murray in the chair.

The President: The question before the Court is the motion of defendant to continue this cause to enable him to take the testimony of substantially all the bishops of this Church, under commissions to be issued for this purpose.

Under the previous ruling of the Court—in order to enable the Court to determine whether under Canon 31, Sec. 3 it be necessary to take such testimony for the proper determination of the cause, the Court has required the defendant to state under affidavit what he expects to prove by such witnesses. It cannot be necessary for the purposes of this case to delay the trial for the production of such testimony, unless the testimony when produced would be admissible. The defendant shows that he would seek to prove what the doctrine of this Church is by the opinion of the witnesses named, and also in part to produce the opinions of said witnesses as to whether some of the alleged utterances of the defendant are contrary to said doctrine, and where the doctrine of this Church is to be found.

This Court is a canonical Court, charged with the duty of ascertaining whether a bishop charged with holding and teaching publicly or privately and advisedly doctrine contrary to that held by this Church, is guilty or not guilty. What the doctrine of the Church is in any particular, and whether the utterance of the defendant contravenes it, is not to be determined by the opinions of witnesses. The duty to make that determination has been canonically imposed upon this Court for this trial and they cannot avoid it.

The doctrine of this Church is fixed by the whole Church, acting in its corporate capacity, and not by the individual opinions or interpretations placed upon any documents supposed to contain the Church's doctrine, by any bishop, priest or deacon speaking individually. The Court must ascertain as matter of law what the Church's doctrine is, and must take judicial notice of the same. The Church's doctrine is not to be ascertained by the evidence of witnesses. The Court's judgment may be enlightened by arguments of counsel and their reference to such documents or pronouncements as they may believe express the Church's doctrine, and great liberty should be permitted to counsel in the citation of such authorities.

The question has been asked by counsel as to where the doctrine of the Church is to be found. In reply the Court expresses its opinion that such doctrine is to be found in the Book of Common Prayer as adopted and established by the Constitution of the Protestant Episcopal Church in the United States of America. It is perhaps superfluous to state that the most important formularies of doctrine are the Apostles' and the Nicene Creeds. It is a matter of common knowledge that the doctrine of the Church is not formulated in the Holy Scriptures, but is in all cases to be supported by the Holy Scriptures as interpreted by the Church in its corporate capacity.

Mr. Sharts: If the Court please, we want to enter our exception, and I would like to be quite clear, in order that we may not have any needless wrangling about things later on; the Court has said that it is required to take judicial notice of what constitutes the doctrine of the Church, and has stated that that doctrine is in the Book of Common Prayer and that of course the formularies therein are supported by Holy Scripture as interpreted by the Church in its corporate capacity. Now, will the Court enlighten me as to where the Church in its corporate capacity has interpreted the Holy Scriptures, so that the Court here takes judicial notice that that is the interpretation?

The President: The Court has nothing further to add to its opinion, Mr. Sharts.

Mr. Sharts: Just note our exception to the ruling. If the Court please, our motion was twofold. It was not merely to have a continuance in order to take depositions; it was also for the purpose of taking depositions. The Court realizes, of course, that we were blocked in our effort to take the depositions in anticipation of the trial, so as to have the testimony here. We now ask the Court to grant the issuing of the order for the appointment of commissioners for the taking of depositions without delaying this hearing at all, in order that those depositions when taken may be filed with the Court for its consideration in conjunction with its decision in this case.

The Church Advocate: I should certainly object to depositions being returned to the Court.

The President: The Court does not care to hear from you on that, Mr. Dibble. The Court is unanimously of the opinion that the motion for the continuance of the

case should be overruled for the reason that the testimony sought to be produced by the witnesses named as set forth in the affidavit would be incompetent and inadmissible, and it is so ordered. The motion is denied, and it is so ordered.

Mr. Sharts: Enter our exception.

The President: The Church Advocate may now proceed with the case.

The Church Advocate: Will the defendant concede that the defendant was duly consecrated Bishop of Arkansas and held jurisdiction as such bishop?

Mr. Sharts: We prefer to have you put on some testimony.

The Church Advocate: Has the Clerk prepared the affirmation to be signed by the witness.

The Clerk: No, I have it under preparation.

The Church Advocate: I ask the defendant if they are willing that the witness shall make affirmation *viva voce*.

Mr. Sharts: That is all right.

The Church Advocate: Will the Clerk then read the affirmation to the witness?

The Clerk: (Reading) "I, Joseph Francis, a witness summoned to testify on the trial of the presentment against Rt. Reverend William Montgomery Brown, a bishop of the Protestant Episcopal Church, now pending, do most solemnly call God to witness that the evidence I am about to give shall be the truth, the whole truth and nothing but the truth, so help me God."

BISHOP JOSEPH FRANCIS, called as a witness for the prosecution, having been first duly sworn as above set forth, testified as follows:

DIRECT EXAMINATION by the Church Advocate.

Q. Bishop Francis, you are a bishop of the Protestant Episcopal Church in the United States of America?

A. Yes, sir.

Q. How long have you held the office of bishop? A. Twenty-five years in September.

Q. As such bishop have you attended meetings of the House of Bishops? A. I have attended all the meetings of the House of Bishops since my consecration, except the one held in the spring of 1918.

Q. Are you acquainted with the defendant, William Montgomery Brown? A. I am.

Q. State whether or not he has attended meetings of the House of Bishops at which you have been present and whether you have seen him there? A. Yes, I have sat close to him.

Q. And whether or not he has taken part in their deliberations? A. He has.

Q. Do you know of what diocese he was the bishop? A. The diocese of Arkansas.

Q. Do you know whether or not he resigned the Diocese of Arkansas? A. Yes, I know that he did resign the Diocese of Arkansas.

Q. And about when was that, if you know? A. I am not quite clear whether it was at the Convention held in New York, or whether it was subsequent to that date. I think that Bishop Brown as Bishop of Arkansas was present at the Convention held in New York, I can't be certain, however, I am not certain about the date of his resignation.

Q. What year was the Convention held in New York, if you remember?

Mr. Sharts: I want to interpose an objection, if you will pardon me, for this reason. If I understand the spirit and ruling of this court thus far in the case, we want only the best evidence. Now, the best evidence as to whether or not Bishop Brown is a member of the House of Bishops and whether he resigned, etc., is contained in the official record. I think that the proper, consistent step for the prosecution to take in this case after the insistence that they have made on such subjects, would be to produce the best record, the best testimony.

The Church Advocate: The fact that an officer has acted as officer, has voted, taken part in the deliberations, is evidence of his being an officer and holding the office.

The President. Will the Church Advocate please enlighten the court? What is the purpose you have in mind with regard to fixing the date of the resignation?

The Church Advocate: I don't care for that. It is the fact that he did resign. I understood that counsel's objection went farther than that.

Mr. Sharts: Yes, it does go farther than that. If I am not misinformed the resignation of the bishop is a

matter of official record in the Journal of the preceding Convention. I have here the Journal of the General Convention of 1922. I find therein recorded where a bishop resigns and the action of the Convention upon the subject.

The President: The Court sustains the objection to this question.

The Church Advocate: So far as that goes, we don't regard it as material whether or not he has resigned. He is at present a bishop. The evidence shows that he is a bishop of the Church. We don't care to put in any further evidence on that point. Now, while this witness is on the stand, I would like to ask counsel for defendant whether he cares to concede the fact that the defendant wrote that book, (indicating the book entitled "Communism and Christianity") which I intend to mark as Exhibit A, and that it was published under his authority? By published I mean to include that it was given to the public, made public.

Mr. Sharts: I will ask the Church Advocate if he can assure me that it is a complete copy.

The Church Advocate: So far as I know, it is.

Mr. Sharts: If you are not in a position to state, I cannot accept it, I don't know whether it is a complete copy.

The Church Advocate: It is complete as I received it from the book store.

Mr. Smart: Subject to verification.

Mr. Sharts: Well, we will admit it.

The Church Advocate: I will now offer in evidence Exhibit A, being a book entitled "Communism and Christianity" by Bishop William Montgomery Brown, D. D.

Mr. Sharts: I think the gentleman misunderstood me. I would admit the statements that he made, I admit that. If I am not misinformed as to the law, and I am depending upon the case of *Williams vs. The Bishop of Salisbury*, in England, the only thing they can admit in evidence for the prosecution are those passages that have been quoted. They cannot introduce the whole book in evidence. When the time comes for us, we can do that.

The Church Advocate: I should like to be heard on that proposition, and I should suggest that perhaps we might be heard upon that if we are through with

this witness. I have nothing further to ask the witness. If counsel wishes to cross examine, he may.

The President: The Court requests absolute order, quiet in the courtroom.

The Church Advocate: I will ask the witness another question or two.

Q. (Handing witness book) I show you here this book, marked Exhibit B, and ask you what that is?

A. Well, this is a copy of the book, "Communism and Christianity," which I received through the mail from Bishop Brown, and accompanied by a letter.

Mr. Sharts: I want to interpose an objection.

The Church Advocate: I haven't offered the book yet.

Mr. Sharts: I am interposing an objection to the answer. I am going to move that the answer be stricken out, as it is obviously a statement as to matters beyond the personal knowledge of this witness.

The Church Advocate: I think we will hook it up before we get through.

The President: The Court will overrule the objection.

Mr. Sharts: Enter our exception.

Q. (Handing witness paper) I show you Exhibit C, and ask you if that is the letter which accompanied the book? A. Yes, this is the letter.

Q. Are you familiar with the handwriting and signature of the defendant? A. I am.

Q. State whether or not that is his name signed in his handwriting to that letter? A. Well, I am not an expert, but so far as I know that is his name, signed in his handwriting, that is, it corresponds with all the signatures I have seen of Bishop Brown.

Q. You have seen other signatures? A. Yes, I have had other letters.

The Church Advocate: I now offer in evidence this letter, Exhibit C, and the book Exhibit B, in connection with the letter; I don't care to read it in full, but you will find where he refers to the book.

Mr. Sharts: I want the whole letter read, or none of it.

The Church Advocate: It is all in evidence, but I will read part of it.

“In an effort to clearly explain and fully justify myself in not voluntarily resigning my seat in the House of Bishops and withdrawing from the communion of our Church, I am sending you a copy of this edition of the booklet and also a copy of the Truth Seeker for May 16, the May 16th issue, in which there is a marked article.”

We now renew our offer of the booklet marked Exhibit B and the letter marked Exhibit C.

The President: Any further objection?

Mr. Sharts: I want to renew the objection that I made. The Court has not ruled on our objection that the prosecution is not entitled to offer in evidence the entire book at this stage. They have set forth certain statements. They have no evidence as yet to offer this Court of other statements of the defendant.

The President: The objection is sustained as to the whole book except those parts to which reference is made in the presentment.

The Church Advocate: You may cross examine.

Mr. Sharts: Then I think it is up to the prosecutor to get those parts read into the record, and so far as the book itself is concerned, it would have to be withdrawn from evidence.

The Church Advocate: If the Court please, I wish to submit authority to the Court on the proposition of how much and what portions of the writing are admissible. The Court, in the case of Reverend Algernon S. Crapsey held that where there were several sermons in the book, each entire sermon from which a portion was included in the presentment, was material and admissible in evidence, and with that authority in mind we offer the first letter in the book, referring to Exhibit A. There appears to be one letter which begins on page 15 and runs to page 83.

The President: Mr. Dibble, the book as a whole is inadmissible. If there are certain parts that you wish to offer, the Court will admit them.

The Church Advocate: Do I understand that the Court rules that the entire letter is not admissible, as an entirety? There are several letters in this book which

the defendant wrote to various persons who are unnamed, and he has included these letters in the book, and on the authority of the Crapsey case, which permitted the introduction of an entire sermon, we feel that we are entitled to the introduction of the entire letter in which some of these statements are contained.

The President: The statements referred to in the presentment?

The Church Advocate: Referred to in the presentment. There is one letter beginning on page 15 and running to page 81, which begins, "My dear Brother and Comrade," and so on.

The President: The parts in the book to which reference is made in the presentment have, under the ruling of the Court, been admitted. Now, if the Church Advocate has any other parts which he wishes to offer as a whole, the Court will hear him.

The Church Advocate: The Church Advocate offers—let me see if I understand the ruling of the Court, that we are confined to the passages contained in the presentment, and that the Court holds that it is not permissible to offer the whole letter?

The President: The Court's ruling is that the parts to which reference is made in the presentment have been admitted. Now, if the Church Advocate has any other parts that he wishes to have admitted, he may present them and the Court will hear him on the matter as to whether they are admissible.

The Church Advocate: We offer then all the rest of the first letter contained in the book, starting at page 15 and continuing to page 83, and all of the second letter contained in the book, starting at page 89 and running to page 158. And we do this upon the theory and upon the ground that those two letters contain the passages which are stated and relied upon in the presentment, and under the authorities which we are prepared to show to the Court, the entire letter containing those passages is admissible in evidence and we feel is competent.

We also, I will say while I am making my offer, we also offer in evidence for a different purpose the inside of the front cover, and that is offered for the purpose of showing intent of the defendant and showing his persistence in maintaining the position which he took in

those letters. We have charged that he publicly taught these doctrines over a period of years. For that purpose we offer this letter as an admission by the defendant as bearing upon his intent.

We also offer in evidence the first page, it is unnumbered, but the one beginning with the words "Announcement The Bradford-Brown Educational Company, Inc., handles only the English edition of the booklet," and so on, and then giving the English editions and their dates, as showing the extent of publication, an admission by the defendant of the extent of publication.

We also offer the page opposite the title page, showing the picture of the defendant and the inscription under it, as bearing upon the intent.

We also offer as bearing upon the intent the back cover, both inside and outside, of the book, and we call the Court's attention to the fact that the Canon provides, makes it a part of the offense, that the publication should be advised, made advisedly, and these passages, as we contend, tend to establish the intent and the fact that the publication was advised and that it was repeated and extended over a long period of time.

The President: Mr. Sharts, do you object to the offer of these parts?

Mr. Sharts: We are objecting at this stage to the offering of the entire book. What the gentleman has done has been to offer you, after the Court has ruled out the book, the book as a whole, practically the entire book, because it was apparently printed in the form of a letter, that is to say a personal narrative to a particular friend. That is the form, I understand, in which the book is gotten up. The prosecutor, therefore, having been repelled in his effort to offer the book as a whole, offers the book as a letter.

The President: Does the Court understand you object then?

Mr. Sharts: We object to the irregular method of offering this testimony, yes.

The Church Advocate addressed the Court in support of his offer, and proceeded:

If the Court has any hesitancy about this, we will withdraw our offer of the balance of the letter; that is,

we are offering now only the excerpts on which the presentment is based, so far as the letters are concerned, but I still want to offer the additional portion of which I made an offer, namely, the inside and outside of the back cover and the inside of the front cover, and the page showing the number of editions and the extent of publication, the page showing the picture of the defendant, and the title page as bearing upon the extent of publication.

The President: Will the Church Advocate repeat that, please?

The Church Advocate: The Church Advocate offers the inside front cover, also the unnumbered page just ahead of the page containing the picture of the defendant, namely the page beginning with the word "Announcement," and beginning with the words "The Bradford-Brown Educational Company, Inc., handles only the English edition of the booklet," and so on, that page; also the page containing the picture of the defendant and the inscription beneath it; also the title page of the book; also the inside and outside of the back cover of the book. Those are offered for the purpose of showing the intent, also, as far as the statement in regard to the number of editions is concerned, for the purpose of showing the extent of publication, on the theory that it is a statement of the defendant, an admission of the defendant as to the extent of publication.

Mr. Sharts: We enter our exception as before.

The President: The portions just offered, after the request of the Court that they should be defined very clearly, are admitted, and the objection is sustained as to the other portions, for the time being.

The Church Advocate: To the other portions of the letters, I take it?

The President: Yes.

Mr. Sharts: Enter our exception.

The Church Advocate: You may inquire of the witness.

Mr. Sharts: Just how much of this testimony was admitted?

The Church Advocate: That is a matter of record.

Mr. Sharts: If I am not misinformed, there wasn't any of his testimony admitted that at all bears upon

this case. I will move that the entire testimony offered by Bishop Francis be stricken from the record.

The President: That motion is overruled.

Mr. Sharts: All right, then I will cross examine him.

CROSS EXAMINATION OF BISHOP JOSEPH FRANCIS
by Mr. Sharts.

Q. You gave your rank in the Church as that of bishop for some twenty or twenty-five years, I believe?

A. Twenty-five years in September.

Q. Do you know of your own personal knowledge whether Bishop Brown was ever admitted as a bishop into the Church? A. Yes, sir.

Q. Were you there at his ordination? A. I was not.

Q. What do you mean by personal knowledge, if you weren't personally present? A. I mean that I read the accounts of his consecration.

Q. In what? A. In the Church papers, the official organs of the Church.

Mr. Sharts: Then I move that his testimony be stricken out, as it is purely hearsay and not the best evidence.

The President: Have you finished your examination?

Mr. Sharts: That is all I care to ask. I move that his testimony be stricken out, as it is purely hearsay testimony.

The President: We overrule that motion.

Mr. Sharts: All right. Note our exception. I object to their giving to the Clerk these books as exhibits when only portions of them have been admitted. The portions that they want could be read into the record, but the book as a whole cannot be presented and made a part of the record.

The President: I think you are right about that.

The Church Advocate: This letter as a whole was admitted. To save time we will not read it into the record. If counsel wishes, you may do so. So far as the book is concerned I will read the portions relied upon and offered in evidence. The inside of the front cover:

"To the House of Bishops of the Protestant Episcopal Church

In the United States of America.

“My dear Brethren:

“According to the Arkansas Gazette, the movement looking towards my trial and deposition has failed, and according to the Oregonian its failure is due to your belief that my mental condition is such as to prevent me from being held responsible for the heretical representations of the booklet, ‘Communism and Christianity.’

“On the one hand, I cannot consistently blame you for this conviction, because during the many years of my active ministry, I would have entertained it towards any one among you who had left as I have the orthodox way and traveled as far in the heterodox one.

“On the other hand, you cannot blame me, human nature being what it is, for feeling that the real reason for stopping the movement is your inability to frame charges from the booklet and to proceed against me with them without discrediting your own orthodoxy more than my heterodoxy.

“But to make sure that I am not in error as to this feeling, I will offer, and hereby do offer, myself to the House of Bishops for a thorough-going, mental examination by the Professors of Psychology in Yale, Columbia and Johns Hopkins Universities. They are not personally known to me, but I am willing to trust them.

“If you accept this challenge and arrange for the examination, it should take place at Galion; for, in the present condition of my health, I could not go to one of the universities for it and have strength enough left for the requisite sittings.

“If the members of the House of Bishops will place themselves on record as believing the representations of the Bible, literally interpreted, concerning the creation of Adam and Eve; the planting of the Garden of Eden; the fall of Adam and Eve and its effects; the birth of Jesus; his death and descent into hell; his resurrection and ascension into heaven, and his second coming to raise all deceased men, women and children from the dead and to judge and send them to heaven or hell, I will resign and do hereby agree to resign my seat in the House.

“If you do not accept the first of these offers, I shall feel that you should not reflect upon my mental

condition in public or private, but rather appoint a competent artist to illustrate the situation with a picture of big, barking, snapping dogs and a little bristling porcupine with these explanatory inscriptions: (1) under the dogs—'The House of Bishops,' and (2) under the porcupine—'Bishop Brown,' and (3) under the picture—'Nothing that can safely be taken hold of.'

"Hoping for your acceptance of my friendly challenges, I am, with every good wish for all,

Very cordially yours,

WM. M. BROWN.

"Galion, Ohio,

"September 25, 1922."

The next page which is offered and received in evidence is as follows:

"ANNOUNCEMENT.

"The Bradford-Brown Educational Company, Inc., handles only the English edition of the booklet, Communism and Christianity. Those who want it in the foreign tongues now ready (Italian, Bohemian, Swedish, Hungarian, Greek and Finnish) are requested to correspond with Messrs. Charles H. Kerr and Company, 341-349 East Ohio St., Chicago, Ill., the largest publishers of Marxian literature in the world. Book dealers desiring copies of the English edition are also referred to them.

"ENGLISH EDITIONS AND THEIR DATES.

"First Edition, 10,000 copies, October 11th, 1920.

"Second Edition, 10,000 copies, revised and enlarged from 184 to 204 pages, February 15th, 1921.

"Third Edition, 10,000 copies, March 2nd, 1921.

"Fourth Edition, 10,000 copies (2,000 in cloth binding) revised and enlarged from 204 to 224 pages, April 9, 1921.

"Fifth Edition, 10,000 copies, May 1, 1921.

"Sixth Edition, 25,000 copies, October 10, 1921.

"Seventh Edition, 25,000 copies, November 1, 1922.

"Eighth Edition, 25,000 copies, April 15, 1923."

And the next page, containing the photographic reproduction of the defendant sitting in a chair, dressed in the robes of a bishop, and beneath the inscription: "Rt. Rev. William Montgomery Brown, D. D., Fifth Bishop of Arkansas, Resigned; Member House of Bishops Protestant Episcopal Church; Sometime Archdeacon of Ohio and Special Lecturer at Bexley Hall, the Theological Seminary of Kenyon College. Now Episcopus in partibus Bolshevikiium et Infidelium."

Next the title page of the book: "Communism and Christianity," Analyzed and Contrasted from the Marxian and Darwinian Points of View by William Montgomery Brown, following which is a reproduction of a globe, a terrestrial globe, with clasped hands in front of it, and beneath it the words, "Banish the Gods from the Skies and Capitalists from the Earth and make the World safe for Industrial Communism." Beneath that the words, "The Bradford-Brown Educational Company, Inc., Publishers, Galion, Ohio. One Hundred Twenty-fifth Thousand."

On the inside of the back cover the words: "On the Job: The Committee of five Bishops appointed by the House of Bishops to investigate the charges of heresy against Bishop Brown." Beneath it is a woodcut reproduction showing a porcupine with five dogs surrounding it, and beneath that the words, "Report: He is bristling with heresies, but the House cannot take hold of any without doing orthodoxy more harm than good. Let him go and say he is crazy."

On the outside back cover of the book, the words: "Whoever buys this booklet under the impression that, because its author is a member of the Episcopal Church and of her House of Bishops and a citizen of the United States, it must be in support of Christian orthodoxism and Capitalist democratism, will soon be disillusioned; for, from beginning to end, the contrary is the truth, the endeavor throughout being to have readers see religious things from the Darwinian and political things from the Marxian view points, and these are not at all the points of view afforded for the seeing of such things by Christianity and Capitalism."

In addition to that we wish to present certain extracts from the Prayer Book.

The President: So far as the passages in the book which constitute the basis of the presentment are con-

cerned, which have not been read in, is it necessary that they all be read, or may they be considered as read?

Mr. Sharts: Well, if you gentlemen have read them, but of course we wouldn't expect that the members of this tribunal would be handling the evidence before it is actually in.

The Church Advocate: The presentment has been read once and we want to know if you want those passages read again.

Mr. Sharts: We will admit they are in the book, that is all right.

The Church Advocate: We shall refer to certain portions of the Prayer Book as containing the doctrine of the Church. I wish a ruling of the Court now as to whether or not the Court will take judicial cognizance of the contents of the Prayer Book. If so, I will not offer anything in evidence at this time. If the Court wants it in evidence I will make the offer.

The President: The Court has already ruled in its opinion on that question.

Mr. Sharts: I want to offer an objection. The Court may take judicial notice that the Book of Common Prayer contains the doctrine of the Church, but there has been no Book of Common Prayer offered as a part of the record in this case, and until that has been done in the proper manner, the record is not complete. I would like to be heard further, if the Court has any doubts as to my right in the matter. I want to examine that book that they offer.

The President: The Court overrules the objection.

Mr. Sharts: Do I understand then that there is to be no evidence introduced as to the Book of Common Prayer?

The President: Why, yes, certainly.

Mr. Sharts: How is it to be introduced if there is no Book of Common Prayer that we can take as evidence in the case, as part of the record in the case? If the Court please, let me explain myself a little further; perhaps the Court does not realize the significance of this.

The President: Let me ask you this question. Of course the Court as represented by me are not at all learned in the law, but under the statutes of the state do you have to have the statutes in evidence? The Court

has referred to the Book of Common Prayer as a statute of the Church. How do you get in the statutes of the state, do you have to bring them in evidence?

Mr. Sharts: We certainly have to bring them to the attention of the Court in each particular that we want to rely upon them. He have to read them all into the record, yes.

The President: The ruling of the Court is that the Book of Common Prayer is analogous to the statutes of the state and for that reason under the opinion rendered by the Court it is in the Court now.

Mr. Sharts: Let me point out the situation in which the Court is placed if it declines to have a particular copy of the Book of Common Prayer brought in for the use of the Court and of the attorneys. In the copy I have here (indicating) my own Book of Common Prayer, that has the Ratification in it, and this Book of Common Prayer makes the statement, it declares it to be the liturgy, not to be doctrine but liturgy, which means simply worship. I want to have the record complete for the purpose of taking this case to a higher court when the proper time comes, showing that this tribunal has ruled that the doctrine of the Church is simply the worship of this Church.

I want to go further; over here in the preface of the Book of Common Prayer I find this: "And that in every Church, what cannot be clearly determined to belong to doctrine must be referred to discipline."

The President: You have liberty to refer to any Book of Common Prayer which is the accepted book of Common Prayer in the usage of the Church at this time throughout your argument from beginning to end.

Mr. Sharts: That is, I will be allowed to make use of any Book of Common Prayer and any part of any book of Common Prayer that I have?

The President: Properly certified under the regular form of ratification, and being a Book of Common Prayer in use today.

Mr. Sharts: Enter our exception.

The President: In Canon 46, the Court will direct the attention of Mr. Sharts to Section I as follows:

"The copy of the Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, according to the Use of the

Protestant Episcopal Church in the United States of America, together with the Psalter or Psalms of David, the Form of Making, Ordaining, and Consecrating Bishops, Priests and Deacons, the Form of Consecration of a Church or Chapel, and an Office of Instituting of Ministers, and Articles of Religion, as accepted by the General Convention of this Church, in the year of our Lord, 1892, and authenticated by the signatures of the Presiding Officers and Secretaries of the two Houses of General Convention, and by the signatures of the members of the Joint Committee charged with the duty of preparing and submitting to the Convention a Standard Prayer Book, is hereby declared to be the Standard Book of Common Prayer of this Church."

This book of course is duly certified and is the standard Book of Common Prayer today.

The Church Advocate: Is there any question as to the identity of authenticity of the Prayer Book?

The President: I think there is no question about it. In order that there may be absolute assurance in regard to just what record the Court means, the certificate is found on the back of the title page of the Book of Common Prayer:

"I certify that this edition of the Book of Common Prayer has been compared with a certified copy of the Standard Book, as the Canon directs, and that it conforms thereto. SAMUEL HART, Custodian of the Standard Book of Common Prayer. December 12, 1899."

The Court will sit until 6 o'clock this evening unless it would be imposing a hardship upon Bishop Brown.

Mr. Sharts: He can stand it, he says.

The Church Advocate: I propose of course to refer in my argument to certain portions of the Prayer Book, but I don't care to name them out at the present time, and in view of the ruling of the Court we have no further proof to offer. We rest.

Mr. Sharts: If the Court please, if the counsel rest, at this stage I am going to offer a motion to dismiss and I will state that while I will give it verbally here from just a few rough notes, I will have it drafted before Court convenes tomorrow morning and have in typewritten form to file:

“Now comes defendant at the close of all the testimony offered by the prosecution, and moves the Court to arrest this action and dismiss the same, for the reason that the prosecution has failed to show the holding or teaching of any doctrine advisedly, contrary to the doctrine of the Church, or to prove any errors of doctrine committed by the defendant; has failed to introduce any doctrine in evidence upon which to base said claim of error, and has wholly failed to establish by testimony the allegations of the presentment.”

Counsel for the defendant addressed the Court in support of his motion.

The Church Advocate: I may say that we will be willing at this point to specify the portions of the Prayer Book upon which we rely.

Mr. Sharts: Ah, I will sit down right now and let the Church Advocate specify.

The President: Are you going to speak on the motion?

The Church Advocate: Yes.

Mr. Sharts: He was going to offer a statement that would clear up the difficulty.

The President: Mr. Sharts, the Court will not interrupt your argument just at this stage, but it really doesn't care to hear the Church Advocate upon the motion.

Mr. Sharts: I didn't understand he was going to speak on the motion. I understood he was going to make a statement that would relieve me of my difficulty or would localize the doctrine for me, he would tell me where I could look for it.

The President: That is all right.

The Church Advocate: Does the Court care to hear me?

The President: The Church Advocate may go ahead.

The Church Advocate: The Church Advocate intends to rely upon the following passages from the Prayer Book:

“In the first place from the Constitution of the Church, Article X. relating to the Prayer Book.

Then from the Prayer Book itself we intend to rely upon the Preface, and we call the attention of the Court particularly to the next to the last paragraph, in which it

says: "It seems unnecessary to enumerate all the different alterations and amendments. They will appear, and it is to be hoped, the reasons of them also, upon a comparison of this with the Book of Common Prayer of the Church of England. In which it will also appear that this Church is far from intending to depart from the Church of England in any essential point of doctrine, discipline or worship; or further than local circumstances require."

We also call attention to the first paragraph of the Preface: "It is a most invaluable part of that blessed liberty wherewith CHRIST hath made us free, that in his worship different forms and usages may without offense be allowed, provided the substance of the Faith be kept entire," for the purpose of showing that this Church has in its Prayer Book or in the Preface to its Prayer Book, declared its adherence to the faith and doctrine of the Church of England and its intention not to depart therefrom, and through the Church of England in the faith of the whole Church of Christendom, the universal Church.

We also call attention in particular to the second, third and fourth ordination vows of the candidate for ordination to the priesthood, which will be found on page 518 of the standard edition of the Prayer Book. The Bishop says to the candidate: "Are you persuaded that the Holy Scriptures contain all Doctrine required as necessary for eternal salvation through faith in Jesus Christ? And are you determined, out of the said Scriptures to instruct the people committed to your charge; and to teach nothing as necessary to eternal salvation, but that which you shall be persuaded may be concluded and proved by the Scripture? Answer. I am so persuaded, and have so determined, by God's grace.

"The Bishop. Will you then give your faithful diligence always so to minister the Doctrine and Sacraments, and the discipline of Christ, as the Lord hath commanded, and as this Church hath received the same, according to the Commandments of God; so that you may teach the people committed to your Care and Charge with all diligence to keep and observe the same?

"Answer. I will so do, by the help of the Lord.

"The Bishop. Will you be ready, with all faithful diligence, to banish and drive away from the Church all erroneous and strange doctrines contrary to God's

Word; and to use both public and private monitions and exhortations, as well to the sick as to the whole, within you Cures, as need shall require, and occasion shall be given?

“Answer. I will, the Lord being my helper.”

Also, on page 525, in the service for the Consecration of Bishops, the Rubric:

“Then shall the Presiding Bishop demand Testimonials of the person presented for Consecration, and shall cause them to be read.

He shall then require of him the following Promise of Conformity to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church.

“In the Name of God, Amen. I, *N*, chosen Bishop of the Protestant Episcopal Church in *N*, do promise conformity and obedience to the Doctrine, Discipline and Worship of the Protestant Episcopal Church in the United States of America. So help me God, through Jesus Christ.”

And the promises made by the person consecrated Bishop, as found on pages 526 and 527, referring particularly to the following:

“Brother, forasmuch as the Holy Scripture and the ancient Canons command,” the reference to the ancient Canons being introduced for the purpose of showing the conformity of this Church to the Canons of the universal Church. “The ancient Canons command, that we should not be hasty in laying on hands, and admitting any person to Government in the Church of Christ,” and so on. And then the question.

“The Presiding Bishop. Are you persuaded that the Holy Scriptures contain all Doctrine required as necessary for eternal salvation through faith in Jesus Christ? And are you determined out of the same Holy Scriptures to instruct the people committed to your charge; and to teach or maintain nothing as necessary to eternal salvation, but that which you shall be persuaded may be concluded and proved by the same?

“Answer. I am so persuaded, and determined, by God’s grace.”

And the second promise from that: “Are you ready, with all faithful diligence, to banish and drive away from the Church all erroneous and strange doctrine contrary

to God's Word; and both privately and openly to call upon and encourage others to the same?"

"Answer. I am ready, the Lord being my helper."

Also in the Catechism, on page 267, the question: "Rehearse the Articles of thy Belief," followed by the Apostles' Creed, and followed by the question:

"What dost thou chiefly learn in the Articles of thy Belief?"

"Answer. First, I learn to believe in God the Father who hath made me, and all the world.

"Secondly, in God the Son, who hath redeemed me and all mankind.

"Thirdly, in God the Holy Ghost, who sanctifieth me, and all the people of God."

I will read the title to the Catechism, on page 266: "A Catechism: That is to say, an instruction, to be learned by every person before he be brought to be confirmed by the Bishop."

Now, I shall not refer to the rest of the Prayer Book, but allude especially and refer especially to the various portions or extracts from defendant's writing which are included in the presentment, and I wish to say in explanation that we take the position that the quotations in the presentment numbered 1, 2, 7, 9, 10, 13, 15, 17, 19 and 20, deny the doctrine that God is a personal, objective reality, the Creator of all things, and that we intend to refer to certain portions of the Prayer Book in which we believe that doctrine to be set forth. That we construe quotations 10, 13 and 18 from defendant's book to deny the doctrine of the triune being of God, Father, Son and Holy Spirit, and I intend to allude to certain portions of the Prayer Book as setting forth that doctrine, and we will allude to certain sections which set forth the doctrine of God above referred to under the title of A, and those setting forth the doctrine of the Trinity under the title B; and we further take the position that quotations 4, 5, 6, 16, 21, 22 and 23 from the presentment deny the Godhead of the Lord Jesus Christ and his present existence in glory and his work for us, and we intend to show the sections in the Prayer Book in which that doctrine is set forth, and will refer to them under the letter C.

We further expect to show that quotations 3, 8, 11, 12, 14, 16, 21, 22 and 23 deny the actual historical existence of Jesus on earth, and we expect to show portions of the Prayer Book in which that doctrine is set forth, and will refer to them for convenience under the letter D.

I refer now to the Collect for Whitsunday, on page 143—I will not read this to save time—as containing the doctrine of the triune being of God, as I say, contained under what I call the letter B.

The prayer, "Our Father who art in Heaven," found on page 5 and elsewhere throughout the book, as containing the doctrine that God is a personal objective reality, the Father of the world, and of His creatures upon earth.

The Gloria Patri, or "Glory be to the Father, and to the Son; and to the Holy Ghost," as found on page 6 of the Prayer Book, as containing the doctrine of the Trinity.

The Apostles' Creed, found on page 11 of the Prayer Book, also in the passage from the Catechism to which I have referred as setting forth the doctrine of God, the Creator of the universe and of all things, as setting forth also the doctrine of the Godhead of Christ, and also the doctrine of the historicity or actual historical existence of our Lord Jesus Christ on earth.

The Nicene Creed found on page 12 and elsewhere in the Prayer Book, as authority for the doctrine of God, the Creator of all things visible and invisible, also for the doctrine of the Godhead and present existence in glory of our Lord Jesus Christ, also for the doctrine of the Trinity, and also for the doctrine of the historical existence of Jesus.

Also the prayer on page 13, being a portion of the Morning Prayer, "O Lord, our heavenly Father, Almighty and everlasting God, who hast safely brought us to the beginning of this day," and so on, as authority for the doctrine that God is a Father to his children on earth and that he does affect their welfare and that he has an influence upon their lives.

The prayer on page 14 of the Prayer Book: "Almighty and everlasting God, from whom cometh every good and perfect gift," and so forth, as containing the doctrine that God is the giver of all perfect gifts.

On page 14 of the Prayer Book the prayer: "O God, the Creator and Preserver of all mankind," introduced for the same purpose.

On page 15 of the Prayer Book, "Almighty God, Father of all mercies," and so forth, the whole of that prayer, that is the Thanksgiving, for the same purpose, as showing the effective work of God upon earth, as showing the belief of the Church in that doctrine.

The Gloria in excelsis, so called, "Glory be to God on high," found on page 21 and elsewhere in the Prayer Book, as authority for the belief of the Church in God the Father and also in the Godhead of Christ.

The first four petitions of the Litany, on page 30 of the Prayer Book, for belief in God, for belief in the Godhead of Christ and for belief in the Trinity.

The prayers, "O Christ, hear us," "Lord have mercy upon us," on page 33, for belief in the Godhead of Christ.

On page 33: "Son of God, we beseech thee to hear us," for belief in the Godhead of Christ.

The prayer at meetings of conventions, for the doctrine of the Trinity and of the Godhead of Christ.

For the doctrine of the Godhead of Christ, also the following:

Collect for First Sunday in Advent, page 52.

Collect for Christmas, page 58 and page 60.

Collect for Sunday next before Easter, page 96.

Both Collects for Easter Day, pages 125, 127.

Collect for First Sunday after Easter, page 133.

Collect for Sunday after Ascension, page 141.

Kyrie Eleison, page 224.

All of proper prefaces on pages 233-4.

For the doctrine that Jesus was a historical personage: see:

Collect for First Sunday in Advent, page 52.

Collect for Christmas, pages 55-60.

Collect for First Sunday in Lent, page 88.

Collect for Sunday next before Easter, page 96.

First Collect for Good Friday, page 118.

Collect for Easter Even, page 123.

Both Collects for Easter Day, pages 125-127.

Collect for Ascension Day, page 140.

Collect for Saint Thomas Day, page 190.

Collect for Feast of Purification, page 194.

All of proper prefaces on pages 233-4.

For the doctrine of the existence of God as a personal objective reality, the creator of all things:

Collect for Fifth Sunday after Trinity, page 157.

Collect for Seventh Sunday after Trinity, page 160.

Collect for Eighth Sunday after Trinity, page 161.

The prayer beginning: "Almighty God, Father of our Lord, Jesus Christ," on page 231.

For the doctrine of the Trinity, Collect for Quinquagesima Sunday, page 84.

Collect for Trinity Sunday, page 148.

Proper preface for Trinity Sunday, page 234.

The Baptismal Vows, pages 248, 262.

The President: Mr. Dibble, have you a typewritten statement of all those things?

The Church Advocate: I can prepare it before morning.

The President: I think that would be a very good idea, and the Court is now adjourned to meet at 10:00 o'clock tomorrow morning.

FOURTH DAY'S PROCEEDINGS.

Friday, May 30, 1924, the Court was called to order by Bishop Murray, President of the Court, who opened the proceedings with prayer.

Mr. Sharts: May it please the Court, we have just now been handed the typewritten statement of the Church Advocate as to what they rely upon as doctrine, and we will have to ask the indulgence of the Court long enough to retire to our consultation room and go over that. We have had no opportunity hitherto. We will be just as brief as we can.

The Church Advocate: If the Court please, before counsel retire, there seems to have been some question in the mind of counsel as to our proof of the consecration, and the fact that Bishop Brown is a bishop of the

Church, and I will admit that at the moment I was taken by surprise, because the briefs of counsel had stated he was a retired bishop and I had not supposed that that question would be in issue, but if it is, and if there is a serious question about it, we would like an opportunity at this point to read in evidence to the Court the record in the Journal of the General Convention, containing a transcript of the certificate of the consecrating bishops as to his consecration, and also from the General Convention of 1913, containing the letter of resignation, and the action of the House of Bishops thereon.

Mr. Sharts: We will admit the records, allow them to be put in.

The Church Advocate: Then I will read them so they will be in the record.

The President: It is not necessary to read that. They may be treated as being in the record.

Mr. Sharts: We may take half an hour.

Judge Harlan: You don't object to them going in the record, treating them as being in the record?

Mr. Sharts: Oh, no.

The Church Advocate: We refer to page 530 of the Journal of the Convention of the Protestant Episcopal Church for the year 1898, as showing the consecration, at pages 374-375 of the Journal of the General Convention of the Protestant Episcopal Church for the year 1913, as showing the resignation and the action of the House of Bishops thereon.

(Whereupon a short recess was taken.)

Mr. Sharts: If the Court please—

The President: Mr. Sharts, before proceeding, the Court thinks proper to state at this time that the defendant's motion to dismiss is in effect a demurrer to the evidence, and under the general principles of the common law the defendant, after such a motion if overruled, wouldn't be permitted to offer evidence, but the Court does not desire to invoke this principle. Inasmuch, however, as the argument on this motion goes to the question whether the utterances of the defendant, the publication of which has now been admitted, are contrary to the Church's doctrines, the Court asks counsel to submit the motion without further argument, but without prejudice to the right of the defendant, to offer

from his testimony, in case the motion is overruled, the argument on the whole case can then be made, and such authorities cited as the respective counsel desire to have the Court consider in forming its judgment.

Mr. Sharts: I would be very glad if I could conform to the request of the Court, to shorten the proceedings. For three days we have labored here to extract from the counsel what we got late last night or this morning in typewritten form—

The President: Not to interrupt you, Mr. Sharts, I hope you will not consider it a reflection in any way for the Court to say that it assumes that such a faithful communicant of the Church as you have declared yourself to be, must be familiar with all that is set forth there.

Mr. Sharts: If I am, I think I am distinguished from the mass of the communicants of this Church in an extraordinary degree. I will say this, never before in my life was I called upon to distinguish between doctrine, discipline and worship.

The President: Well, Mr. Sharts, the Court has to add then that if counsel does not see fit to accept this suggestion, the Court may deem it its duty, at the conclusion of his argument to invoke the principle to which the Court has referred and thus avoid the repetition of the argument already made.

Mr. Sharts: That is to say you will not permit the defendant to put on any evidence?

The President: The Court has not said that.

Mr. Sharts: I would like to know whether that is what the Court intends to do.

The President: I think the Court has made a very clear statement of what it might feel its duty to be. The Court cannot decide its duty beforehand on any matter.

Mr. Sharts: Then I will simply make this request of the Court, that inasmuch as the Court has already announced that it will take judicial notice of what is doctrine, if it will indicate to me, without any argument, whether all of this that has been submitted by the Prosecution is doctrine or whether any of it is to be referred to discipline or worship, in that way we will be in a position to know where we stand.

The President: The Court declines to make any reply to that, other than has already been made in its opinion.

Mr. Sharts: That is to say, we are still left in the dark as to whether the Court regards any of it as doctrine, whether the Court regards any of it as worship, or whether the Court regards any of it as discipline.

The President: You are at perfect liberty to assume anything you desire.

Mr. Sharts: Then I will leave the motion for the Court to act upon. I want first to enter my exception to the Court's refusal to allow me to argue this.

The President: The Court has not refused to allow counsel to argue, but it has simply stated that if an argument is advanced now which the Court thinks would go to the merits of the question—and the Court thinks that this argument would—that in its discretion it might see fit to invoke the principles of the common law and refuse to hear any further argument, or to admit any further evidence from the parties.

Mr. Sharts: I want to enter my exception to the Court's statement, and therefore I make no argument, and ask the Court to rule upon the motion.

The President: The motion is overruled.

Mr. Sharts: Enter our exception to that.

The President: Any witnesses for the defense?

Mr. Sharts: I am going to make an opening statement for the defense, if the Court please.

The President: Just one moment. Will the Clerk inform the Court whether the record shows that Mr. Sharts has made an opening statement? The Court is of the opinion that he did. Did you make an opening statement, Mr. Sharts?

Mr. Sharts: I made no opening statement.

The President: It is all right, sir. Go ahead.

Mr. Sharts opened the case for the defense.

THEODORE SHROEDER was thereupon called as a witness on behalf of the defendant, and being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION by Mr. Sharts.

Q. Mr. Shroeder, state your name? A. Theodore Shroeder.

Q. Your occupation? A. I am a psychologist.

Q. I wish you would state to the tribunal some of the qualifications that you have to testify as an expert of scientific psychology. A. I have devoted about twenty years to its study, the last twelve years exclusively to that, partly by reading scientific books, partly by studying at first hand particular individuals before me, many of them religious. I have recorded much of my study and observation in scientific journals, as a contributor to them. My contributions to the periodical press have appeared in one hundred and forty different periodicals. My contributions on the subject of psychology have appeared in about approximately fifty periodicals, including some of the leading periodicals of Germany and of the United States, and some in England.

Q. Mr. Shroeder, as a science how old is psychology?

The Church Advocate: Objected to as incompetent, irrelevant and immaterial.

The President: Do you wish to cross examine as to qualifications?

The Church Advocate: I am not objecting on the ground that this witness is not qualified to speak, but on the ground that the question has nothing to do with the issues in this case. It is incompetent, irrelevant and immaterial.

The President: Repeat the question.

Mr. Sharts: The question I asked was, as a science how old is psychology. I am laying the foundation for establishing the fact that when the forms of our doctrine were prepared, there was no such knowledge in the world as to the laws of the mind, subjective and objective, and that therefore the doctrines of the Church have no distinction drawn between subjective and objective beliefs.

The President: Objection overruled.

A. The answer depends upon what one means by psychology, or what particular branch of psychology is being considered. There was a primitive psychology quite indistinguishable from metaphysics. Later came an academic psychology; then, perhaps forty or fifty years ago, came what is known as physiological psychology, which developed into the modern psychotechnics and the laboratory method. Then in the last twenty

years has developed a genetic and evolutionary psychology, which is the latest branch, and deals more particularly with the changes in the precise quality of human motives and processes and the mental mechanism of the mental processes.

Q. How long have the laws of the mind, the mental processes, been the subject of analysis to such an extent as to distinguish between subjective and objective?

The Church Advocate: Objected to for the same reason, that it is incompetent, irrelevant and immaterial.

The President: Objection sustained.

Mr. Sharts: Then I can read into the record what I expect to prove by this witness.

The Church Advocate: In view of the statement of counsel already, that he has stated to the Court what he expected to prove, I object to encumbering the record with anything further.

The President: He has a right to make his offer of proof.

Mr. Sharts: I want the record to show that by this psychologist we expect to establish that primitive man bulks the whole mental process together, that we call belief.

Mr. Smart: Won't you please read that so the Court can get it?

Mr. Sharts: I thought maybe the Court wouldn't want to get it, maybe they wouldn't want to hear it.

The President: You may read it aloud.

Mr. Sharts: We expect to establish by this psychologist that only in recent years has there been a science of psychology that has the laws of the mental process distinguished, and that has distinguished between subjective and objective processes of thought or belief; that primitive man bulks the whole mental process together in one mass, and calls that belief; that the savage, when he sees a thing objectively, and when he visions a thing only subjectively, does not distinguish between them. That when the departed, the dead, return to him in a dream, they are for him the same as when they were objectively before him; that this primitive confusion between subjective and objective impressions is characteristic of the child-mind, both of the race and of the individual. That there are many works upon the

subject that this psychologist could have cited, to establish this as an explanation of the confusion between visions and realities in an objective sense, in the primitive writings of the race and especially the religious writings.

We expect further to show by this witness that at the time the statements of doctrine were formulated by the Church, the words chosen were chosen in a primitive sense, because it was back in the first or second or third century, and that the mental content of the words in those times was a very different mental content from what those same words convey now, because of the development of the race since.

We expect to show by this witness that the mental content of words changes from age to age, according to the mental development of the race and of the individual; that the meaning of words used by the founders of our doctrine was a very different meaning from that which we derive from the same words. That this evolution of meaning of words is in obedience to a law of nature. That it is impossible to resist obedience to that law; that it is impossible to retain the same meanings to words in the twentieth century that they had in the third century; that it is impossible for us even to understand the words in the sense in which they were used seventeen centuries ago. That the words of the Apostles' Creed, as we receive them today, and as they have been conveyed down to us, are in their mental content a very different set of meanings from what they were when the Apostles' Creed was formulated. That not only has their mental content been changed by the lapse of centuries, but their mental content has been changed by the transition from the original old Greek and old Latin into modern English. That it is impossible to translate a word from one language into another language so as to retain exactly the same meaning. That the old Greek and Latin vocabularies from which these words were taken were of very limited extent, some two or three hundred words; that the modern English language contains many thousands of words for the expression of meaning. That the word "God," as used in the third century A. D., or in primitive times by the Fathers of the Church, whether in Greek or Latin, conveyed the conception of an old man, with a white beard, seated on a throne in the sky, like a king upon a throne on earth.

That the word "heaven" conveyed a meaning of a roof called a firmament above the clouds, which divided the waters of heaven from the waters of earth, and with openings in it, through which the angels and other spirits descended upon the earth, and through which the sun and the moon and the stars were hung out like lamps.

That the concept of the "earth," when the word "earth" was used, was a flat surface, fixed and immovable, between heaven and hell.

That the word "hell" conveyed a meaning of a fiery place underneath the earth, out of which devils and evil spirits came up as through trap doors, to visit people with sickness and blindness and deformity, or to snatch them away to torment.

That the conception of such words as "Holy Ghost" was a ghost, similar to the belief in the disembodied spirit of a dead person, flitting around in the atmosphere.

That the word "substance," as used by the men who drafted the Apostles' Creed and the Nicene Creed, conveyed a meaning incapable of our properly expressing it today, because in our day we have analyzed substance into molecules, and the molecules into atoms, and the atoms into electrons, which have been discovered to be forms of electric energy; and that it is impossible to regain or to retain in any way the original meaning of the Apostles' Creed or of the Nicene Creed, or of many of the words used in the Holy Scriptures.

We expect to show further by this witness that the individual mental content of words is equally incapable of being standardized. That each individual gets his own mental idea or picture from a word according to his race, his age, the environment in which he has grown up, his early teaching, and that there is no possible way of getting two people to form the same mental picture of the same word, even though they are members of the same race, and of the same age, and in the same locality, because it is impossible to give them exactly the same training and environment. That to get even a hundred people to form the same mental picture of the Apostles' Creed or Nicene Creed, and to derive the same literal meaning from them, would be in the nature of a miracle, greater than any of the miracles that have been declared in the Scriptures. That the only possible way of getting

two or more people to agree upon any word or form of words making a statement, is to leave to the individuals liberty to apply those words according to their own mental concepts of them, and to confine their agreement to the forms of expression.

Mr. Dibble: Now, if the Court please, in view of this enlarged statement of counsel, I wish again to renew my objection, for the same reasons that I stated before.

The President: Already your objection has been sustained. That is being read into the record.

Mr. Dibble: All right.

Mr. Sharts: That is all, unless the other counsel wish to cross-examine.

Mr. Dibble: No cross-examination.

Mr. Sharts: Then I will call Mr. Whatham.

ARTHUR EDWARD WHATHAM was thereupon called as a witness on behalf of the defendant, and being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION by Mr. Sharts.

Q. Please state your name? A. Arthur Edward Whatham.

Q. What is your occupation? A. Priest of the Diocese of Kentucky.

Q. Of what church? A. Protestant Episcopal Church of the United States of America.

Q. How long have you been a priest? A. I was ordained deacon in 1884, and priest in 1885, by the Bishop of Liverpool.

Q. And where have you held your various offices as a minister? A. Diocese of Liverpool, Diocese of Ipswich, Diocese of London, Diocese of Michigan, Diocese of Huron, Diocese of Kentucky, and I think some other places.

Q. Where were you educated for the ministry? A. St. Aidan's Theological College, Birkenhead, Cheshire, England.

Q. Mr. Whatham, are you qualified to state as to the history of the Church?

The Church Advocate: I object to that, as calling for a conclusion of the witness about his own qualifications, and as immaterial and incompetent.

Mr. Sharts: All right, I will state it in a different way. I withdraw the question.

Q. State, Mr. Whatham, whether you have made a special investigation of the history of the Protestant Episcopal Church? A. Yes, sir, inclusive with the Catholic Church at large.

Q. And this study or investigation has included the study of what documents, what writings? If you will just give the Court an idea of what you have read in preparation for testifying, as to the history of the Church?—

Mr. Dibble: Now, then, if the Court please, I object to that. I take it, the purpose of these questions is to qualify the witness as an expert, and I don't think that is material, competent, or the proper way to qualify an expert, to show what he may have read, with a view of coming here and testifying this afternoon.

Mr. Sharts: Oh, well, I will go over his whole past preparation to testify.

Q. Mr. Whatham, what have been your intellectual activities during the time you have been in the ministry? A. Student of ecclesiastical history, anthropology and general sciences.

Q. What have your studies into ecclesiastical history included? A. The various authors, of their own works on ecclesiastical and doctrinal history of England, Scotland, Ireland, France, Germany, and United States of America.

Q. Can you give us a few of the leading authorities you have consulted? A. Harnack of Germany; Duchesne of France, from whom I have many personal letters; the principal of Aberdeen University, Principal Smith, and many others. I don't know that it is needful to give a catalog. The Church authorities know all those writers.

Mr. Sharts: As the examination of this witness is going to be quite extensive, Bishop Brown has asked if it would be just as convenient to adjourn now, instead of at 1 o'clock.

The President: We will be glad to meet the convenience of Bishop Brown.

Whereupon the further hearing was adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

The afternoon session was opened with prayer by Bishop Murray, President of the Court.

ARTHUR EDWARD WHATHAM, a witness for the defendant, was recalled to the stand and testified further as follows:

DIRECT EXAMINATION RESUMED by Mr. Sharts.

Q. I think at the close of the morning session I was examining you as to your qualifications. The record isn't here and I guess I will have to depend upon my memory. I had asked you for the list of authorities that you had studied with regard to Church history and you had given us the names, I believe, of a number of them. Have you anything further to add to that list? A. Mosheim, Shaft, Hatch, Hurst.

Q. I will ask you if the name of Bishop Newton was included? A. Not as Church historian.

Q. Well, I don't mean as Church historian, but in reading upon Church literature and documents? A. Oh, yes.

Q. And Professor George A. Barton, have you that name in your list, teacher of the Theological Seminary at Philadelphia? A. Yes, sir.

Q. And Canon Barnes of Westminster? A. Yes, sir.

Q. Any others than you can remember? A. Yes; Canon Cheyne, Bishop Gore, Bishop Westcott, Canon Driver, Dean Inge, Dean Rashdall of Carlisle.

Q. I would ask you whether or not these are men holding any position of authority in the incorporated Church, that is, holding any official office with the Church? A. The highest.

The Church Advocate: I object to that as a conclusion of the witness. He doesn't state what their office is.

A. (Continued) They are the greatest authorities accredited in the Church on this side of the Atlantic and the other.

The Church Advocate: I object to that as an opinion of the witness and move that it go out.

The President: The objection is overruled.

Q. Go ahead then; have you any more to offer in the way of further names? A. Professor Purser of Dublin, Professor Wade of Lontica, Wales.

Q. How about Professor Toy? A. Professor Toy of Harvard, Canon Cheyne of Oxford.

Q. How about Professor Bedale? A. Professor Bedale.

Q. Now, Mr. Whatham, are you in a position to speak from your study of Church history whether there has been from the earliest records down a liberty of choice exercised by the clergy of the Church in interpreting the Scriptures or parts of the Scriptures symbolically or figuratively on the one hand, or literally or objectively on the other?

The Church Advocate: That is objected to for the reason that it asks the witness to pass upon his qualifications as an expert. The question is, is he in a position to state to this Court something which requires expert testimony. It is for the Court to determine whether he is qualified as an expert and before the Court determines that question I want to be heard further on that proposition.

Mr. Sharts: Well, I claim that he has sufficiently qualified himself on the subject, but I will let you go ahead and discuss it.

The Church Advocate: As I understand the question as it is now framed, it doesn't ask for his opinion.

The President: The Court would ask counsel for defendant to withdraw that question for the moment and let Mr. Dibble have opportunity for cross examination.

Mr. Sharts: All right, I withdraw the last question for the moment, and you can enter into his qualifications.

The President: In other words, the question being withdrawn, the Church Advocate may have opportunity to cross examine the witness as to his qualifications.

The Church Advocate: I don't know that I am entitled to make an objection at this point, because there is no question that has been asked of the witness as yet that would depend upon his opinion as an expert. The position of the Church Advocate is that on their own showing at the present time, they haven't established that this man has expert knowledge which will permit him to give opinion evidence for the reason that—

The President: Mr. Dibble, the Court doesn't care to hear an argument on the point of qualification, but just to know if you wish to cross examine on that point or not. He has been offered as an expert witness and counsel has introduced evidence to qualify him. The question is, is it the practice of this jurisdiction when a witness has been offered as an expert to allow the other side to cross examine him if it desires, as to his qualifications?

The Church Advocate: If the Court will bear with me just a moment, I want to confer with counsel.

(After conferring with Mr. Smart) We do not care to cross examine the witness as to his qualifications as an expert.

Mr. Sharts: Then I will ask to have that last question restated by the stenographer.

Q. (Read by official stenographer) Now, Mr. What-ham, are you in a position to state from your study of Church history whether or not there has been from the earliest records down a liberty of choice exercised by the clergy of the Church in interpreting the Scriptures or parts of the Scriptures symbolically or figuratively on the one hand, or literally or subjectively on the other?

The Church Advocate: Now, that question is objected to for the reason that as it is now framed, it does not call for the opinion of the witness at all. It calls for an answer to this question, "Are you in a position to state from your reading what the doctrine of the Church is?" In other words, defendant asks the witness to qualify himself and tell the Court whether or not he is an expert, whether or not he is sufficiently well read to give the Court an expert opinion. That is the question that is being asked of the witness now, and that goes to his qualification as an expert, and he certainly wouldn't be permitted to tell the Court whether or not he is an expert. That is for the Court to determine, and our ob-

jection now to that question, as I said, is to the form in which it is stated.

Mr. Sharts: Does the Court care to hear me on that?

Mr. Inglis: I think the question, in the form in which it is asked, does call for an opinion as to his qualifications.

Mr. Sharts: I would like to make a statement first. Perhaps the Court hasn't quite got the form of that question as it was read. It merely calls upon him to state if he has the material from which to give to this Court the answer as to whether or not some of the official spokesmen of the Church have adopted a symbolical view on the one hand, and others have adopted a literal view on the other. It is not a matter of opinion so much as a matter of having material on hand.

The President: If only a yes or no answer is called for, the witness may answer.

The Church Advocate: Just a moment—

Mr. Sharts: Answer that question yes or no.

The Witness: You talk so much that I really don't know what the question is.

Mr. Sharts: Read the question to him, please.

Q. (Read by stenographer as before.) A. It is my opinion—

Q. Can you say yes or no? A. Yes.

Q. Now, Mr. Whatham, I will ask you who is the first and earliest spokesman of the Church that you have in mind in making that statement?

The Church Advocate objected.

The President: The witness may answer the question.

Q. Give the name, Mr. Whatham? A. Origen, the greatest of the fathers, about 230 A. D.

Q. What statement or citation from Origen do you have in mind?

The Church Advocate: That is objected to for the same reason that I objected to the previous question, namely that this is not expert testimony that is being called for and it is immaterial and irrelevant.

The President: That objection is sustained.

Mr. Inglis: May I make a statement? I understand that counsel may read quotations from Origen or any other recognized authority on Church history, including the history of the undivided Church down to the time of the Reformation, the history of the English Church since that time and the history of the Protestant Episcopal Church since its establishment, and great latitude will be allowed to the counsel in citing authorities, including excerpts from authorities in the histories of that period, but it would unnecessarily prolong the proceedings if they were read into the record. But counsel have the privilege of reading them without encumbering the record.

Mr. Sharts: I don't think you are going to save a good deal of time.

The President: The Court doesn't think so.

Mr. Sharts: I am going to dictate into the record what we consider as vital testimony in our case. I insist that this record shall contain what we claim is valid testimony, and I am doing this for the purpose of the record in order to complete our error proceedings in the Court above this. We cannot be stopped from putting in what we claim to be vital testimony in our view and theory of this case.

Let the record show that we propose to show by this witness that Origen asserted that the Bible account of the creation and the fall of man was symbolic; that the Church until the 16th century accepted Origen's statement as orthodox; that Bishop Newton in the period of the 17th century, adopted a symbolical view of portions of the Scripture; that Prebendary Quarrie in the Victorian period, adopted a symbolical view; that Canon Sanday, Canon Cheyne, Professor Toy of Harvard Divinity School, and many others today have adopted the same view without any correction or admonition from the Church authorities. That Canon Sanday in his "Oracles of God," says that the "burning bush" probably was seen mentally and not optically. In his later work, "The Life of Christ in Recent Research" in describing the Sinaitic Theophany, he says, "The imagination played round the idea of divine legislation, and invested it with what seemed adequate circumstances of solemnity and sanctity: * * * these (smoke, fire, etc.) are just poetic accessories emblematic of the central fact that the words proceeded from God. The literal truth

was that God spake to the heart of Moses, the poetic truth was that he spoke in thunder and lightning from the crest of Sinai." And Canon Sanday sums up the greater part of the Pentateuch as "symbolical." This will be found on pages 18, 19 and 211.

That Professor Toy says that these anthropomorphic details are probably to be taken literally; the deity (though the ethical idea of him was high) was doubtless at that time, (B. C. 597) "conceived of as being in human shape," and he refers to Genesis, first chapter and 26th verse, and fifth chapter and 3rd verse, and in his work on Ezekiel, that Sayce, Skinner and Bennett see in the significance of Genesis I, 26, a polytheistic reference in the "us," and a materialistic reference in the "image", and "likeness"; while Driver, Wade and Ryle assume that when this narrative was written, "the idea of the unity of God had been firmly grasped"; that Canon Cheyne, referring to this Chapter says, "The text of the Hebrew cosmogony suggests that it, (that is, the Creator) was a man, the type and model of the lordly men created on the sixth day (male and female). Like men he speaks, like men he works, like men he rests.

That Professor Bedale, in estimating the character of Akhnaton's religious development says, "Here we have monotheism of a very high order, for Amenhotep IVth (Akhnaton) worshipped not the sun-disc but the power behind it." And this is confirmed by an editorial in *The Expository Times* for August of 1921, at page 486, which runs, "It seems now to be fairly certain that it was in Egypt and not in Palestine that God was first worshipped as one God."

That concerning the miraculous daily pillar of cloud and nightly pillar of fire that Yahweh created to lead Israel through its wanderings, McNeile and Driver in their respective Commentaries on Exodus tell us that the story evidently arose from the custom of an army or caravan having a brazier of burning wood in front of it, while Wade thinks it may have originated in a thunder storm; that the pillar of cloud and fire is what was later termed the Sheikinah, the visible presence of Yahweh and is the "Glory" that is supposed to have overshadowed Jesus at the transfiguration.

That Professor Barton, after narrating the episode of the sons of Saul delivered by David to the Gibeonites for slaughter in opposition to his oath to Saul, and the

satisfaction derived by Yahweh from this murder, says, "The Yahweh who could be thought to punish a whole land with starvation because so gruesome a penalty for sin had not been enacted, had not yet been conceived as a merciful and loving being." That is in his book on the Religion of Israel, page 83.

That in the Hibbert Journal, of January, 1919, the Bishop of Tasmania published an article entitled, "Is the Old Testament a Suitable Basis for Moral Instruction," and in this the bishop, Dr. Mercer, said, "I suppose that there are few Christian educationalists who do not sympathize with Plato in his emphatic repudiation of certain elements in Greek myth and poetry regarded as material for the education of the good citizen. * * * Now, I venture to hold that all this applies much more directly to the Old Testament than many would imagine. Take for example the conception of God which prevails in large sections of its varied contents. God is continuously represented as speaking and acting in ways which offend our moral sense."

That Canon Barnes has called the Old Testament stories of "primitive barbarism or mythology" which are distinctly harmful, and he enumerated the "tragedy of Samson, the patriotic savagery of Jael, the terrible incident of Elisha and the children who mocked him."

Of the primitive folklore of the Jews, "Adam and Eve, Noah's Ark, the origin of the rainbow, the Tower of Babel. Or again, the great allegories of later Jewish literature, such as Daniel in the lions' den, or Jonah and the whale," of those he has said, "Here they had a really difficult problem." This article appeared in the Guardian of August 12, 1921. Canon Barnes was addressing the Summer Vacation Course for Teachers at Bingley Training College.

In the Churchman of New York for January 22, 1921, appears the following notice. On the platform of the Religious Truth Society, London, England, Canon Barnes, Dean Inge, and Principal Garvie appeared in union to support the address given by the first on "Bible Criticism for the Plain Man." He said, "No effective use of the new knowledge can be made until the plain man, the ordinary woman, the Christian in the pew, the church warden, the parish worker, accept it. These people must be led to see that we know Jesus and the content of his teaching with a new certainty * * * while

at the same time we can trace in the Gospels the growth of that human element which is the source of most of that unhappy division."

Dr. Garvie followed, and endorsing what the Canon had said, added, that "Instead of our religion being in any way impoverished by the results of modern scholarship, it is relieved of accretions trying to our faith."

Dean Inge was the next speaker, saying, "You have three dignitaries with characters to lose, who are willing to accept the conclusions of modern criticism with regard to both the Old and the New Testaments. Ten years ago it would have been impossible for them to do it. It was an unmixed gain that at last their tongues were loosed." He was "convinced that as critical results became diffused in the Churches, the effort would be not to destroy people's faith, but to confirm it."

Canon Driver, after stating that if the Bible "is to retain its authority and influence among us, it must be read in the new light of modern knowledge and our beliefs about it adjusted and accommodated accordingly," had much to say of these very matters which he has conceded give "no account of the real beginnings either of the earth itself or of man an human civilization upon it."

Professor Wade, after acknowledging that the biblical story of creation and fall of man are not historically true, although meant to be so by the writers, yet describes these narratives as valuable, "not as description of historical events but as declaration of certain important ideas."

This conclusion was maintained by Dr. E. A. Wallis

Budge of the British Museum, that the "Egyptians had evolved conceptions concerning God and the future life which are claimed as the peculiar product of the cultured nations of our time." Of the "high moral and spiritual conceptions" evolved by the peoples of ancient times, he adds, "Among such must be counted the One, self-begotten, and self-existent God whom the Egyptians worshiped." That is found in his book on Egypt and Chaldaea, Volume I, pages 8 to 40.

Professor Breasted recognized that monotheism first appeared in Egypt from 1300 to 1100 B. C., and while officially it was a failure "much of the teaching survived and may be recognized in ideas which gained wide currency among the people." This is found in his

Religion and Thought in Ancient Egypt, pages 6, 315 and 346.

In "Semitic Origins" by Professor Barton, the author, referring to Israel, asserted that here there was "a practical monotheism accepted by the whole people—men, women and children—the loftiest thoughts of God applied to daily duties by all." But Professor Barton admitted in a letter to the witness, that he had made a mistake, and that it actually characterizes a state existing after the Exile and not while Israel was a nation.

Professor G. A. Smith is quoted in Macalister's "Bible Side-Lights" as asserting this fact, the fact of a degraded nation of nature worshippers, confirmed recently by Dr. Oesterley's book "The Sacred Dance" published last year.

Canon Jones affirms that there is "nothing unique about the Hebrew religion that would exempt it from the laws admitted to work in the case of other religions." That is in his work entitled "Cambridge Biblical Essays."

Canon Driver, referring to a statement of Canon Sanday's upon his estimate of the Sinaitic theophany, quotes from Professor Wade's work "Old Testament History" that "the divine communications made to Moses were presumably internal rather than external; and were imparted through the avenues of reflection and conscience rather than by the outward hearing."

Canon Cheyne questions that "we really know anything historically about such a person as Moses, who seems to be a mere psychological postulate."

The Bishop of Ripon stated: "Though I think that there is room within the historic conception of the world characteristic of Christianity for all that science or metaphysics can possibly claim, there is not room inside natural science and metaphysics for claims of Christianity." On this the reviewer said, in the Guardian, a Church organ for February 15, 1924, at page 13: "It is a hard saying, and one that demands more space for consideration than we can afford; but at least we may take it as a reminder that Christianity can vindicate its claim to finality only by an interpretation of the world more comprehensive than any that any philosophy can propose."

Professor E. T. Williams, in a recent paper on "The Religious Implications of the Theory of Evolu-

tion," says that by the process of evolution all things have come, from "the dragons of the prime that tear each other in their slime to the altruism of Jesus and the Buddha."

In addressing the Modern Churchmen's Conference, Cambridge, England, in 1921, Prof. Bethune Baker said: "The old orthodoxy is now in ruins. A new one must be built up on the basis of a new reading of the facts and a complete abandonment of the dualism between man and God (the reference was directly to the Incarnation) that underlies the whole ecclesiastical system." This will be found in the *Guardian* of August 19, 1921, at page 586.

The Archbishop of Canterbury said the next year, quoted with warm approval by Canon J. M. Wilson, "A change, a shifting in some degree of the standard of orthodoxy in our church, * * * a legitimate change of opinion brought about by the new knowledge, is necessary." This is to be found in the *Guardian* of July 7, 1921, at page 519.

Principal W. R. Matthews of King's Theological College, London, England, saying in full what the Archbishop very broadly hinted at, said, "The Gospel needs re-interpretation. The world in which we live is intellectually a new world. Its view of the universe, its conception of the process of evolution, its attitude towards history, have profoundly changed since the classical formulations of our faith." That article is in the *Guardian* of May 18, 1923, at page 447.

Referring to the attacks of so called unbelief on the Faith owing to changing views in the light of modern knowledge, Prof. Francis J. Hall of the General Theological Seminary, says, "In order to meet them, Catholic theologians must translate the old truth into new language, and employ such forms of thought and arguments as are likely to meet the difficulties." (*Theological Outlines*, Vol. 1, p. 34.)

Dean Rashdall, referring especially to the term and idea "logos," said, "Modern philosophy has no use." That is in the *Modern Churchman*, September, 1921, at page 286.

Twenty years ago Canon Driver, in his *Commentary on Genesis*, said, "If the Bible is to retain its authority and influence among us, it must be read in this new light (of modern knowledge) and our beliefs about it must be

adjusted and accommodated accordingly." That is in the Westminster Commentary, page lxii.

"The New Century Bible" tells us, "St. Peter's statement 'whosoever shall call upon the name of the Lord shall be saved,' meant to the Jewish Christian at that time and even for years after safety in the Messianic Kingdom and escape from 'the wrath to come.' Salvation was at first conceived eschatologically rather than as essentially a present spiritual experience." That is at page 143; Acts 2:21.

Professor Charles in his "Eschatology" says, "The view that the end of the world will be catastrophic was adopted by the writers of the New Testament chiefly from the Apocalyptic writings and only slightly from the Old Testament." That is on page 21.

Dean Inge of St. Paul's Cathedral, London, has asserted that Jesus neither founded nor desired to found an institutional church. That is in the "Outspoken Essays" First Series, page 249, and that conclusion has been gradually endorsed by Professors Foakes Jackson and Kirsopp Lake in "The Beginnings of Christianity," Volume I, page 296.

Archibald Hopkins in his "Apostles' Creed" tells us that the expressions, "begotten not made," and "one substance" as applied to Jesus are "meaningless, mere sound."

Professor McGiffert tells us that the original Nicene Creed ran, "One Lord Jesus Christ, the Son of God, begotten from the Father, only begotten, that is, from the *ousia* of the Father" (Apostles' Creed, page 116). But he makes no comment on the *ousia*, in an attempt to explain just what it means.

Professor Charles Briggs in his "Fundamental Christian Faith" does make the effort to explain the meaning of the phrase "one substance" as it appears in the Nicene Creed in Greek—*homoousios* or *homoousion* from *homos*, one, and *ousia*, essence or substance. Dr. Briggs says that this word *homoousios* is equivalent in meaning to the Latin *consubstantialis*, which signifies "of one and the same substance." That is at page 234.

From the foregoing it is seen that the clause in the Nicene Creed which describes God as existing with a "substance" is diametrically opposed to the clause in Article I of the XXXIX Articles which tells us that God exists without "body, parts or passions."

The assertion in the Nicene Creed that Jesus Christ is *homoousion* with the Father, that is, of one substance with the Father, is not a Biblical term, as Prof. Charles Augustus Briggs states in his "Fundamental Christian Faith," and is rejected by all eastern Catholics. See pages 233, 235 of his book. And Professor Briggs explains the meaning of this term as signifying that Jesus Christ has the same nature, being, substance as the Father who begat him. The Greek word *ousia* as used here means the "being, substance, essence of a thing," in other words, that which constitutes the bodily or material existence. It answers to the Latin *substantia*, which denotes, "that of which a thing consists, the being, essence, material, substance."

Dean Rashdall, before the University of Oxford, said as reported in the Guardian for 1910: "We today conceive of but two states of existence, mind and matter. But it was not so with the makers of this Creed. In harmony with Platonism they conceived of a third state of existence which was neither mind nor matter, that is to say, a spirit, which, while having a substantial existence, was not matter as we know it. This the makers of the Nicene Creed assumed was the 'substance' of which Jesus Christ was composed, and moreover, shared with his Father, for he was, so Prof. Briggs tells us, 'a real birth out of the Father, as truly from his substance as a man is begotten from the substance of his father.'"

The Greek word *monogones* in John I. 18, translated as "only begotten," actually meant, according to the correct reading of the verse, "the only begotten God," and not "the only begotten Son," according to the Margin in the Revised Version of the New Testament by Westcott, Hort and Plummer, and as this "prologue" represents this begotten God as distinctly personal in his pre-existence, that is, before he became incarnate in Jesus Christ, we have here an exactly similar opinion to that of Philo, who regarded the Logos as a "second God," according to Wade, "New Testament History," page 674, and Vance Smith, "The Bible and its Theology," page 156.

In discussing this question, Dean Rashdall said, "Was this Word personal or impersonal? If personal, how can we escape polytheism?" That is in the "Modern Churchman," September, 1921, at page 284.

The doctrine of the Trinity, as Dean Rashdall informed the University of Oxford when preaching before it on this subject on Sunday, May 23, 1910, is "the work of human brains," and he added, "what human brains have created, human brains have a right to examine, to criticise, to interpret,—if need be, to correct or reinterpret." That statement is found in the *Guardian* of May 27, 1910, at page 741 f.

Dean Beeching, of Norwich Cathedral, England, preached a sermon advocating at least a reconstruction of three of the clauses of the Apostles' Creed, (1) the descent of Jesus into Hades, (2) his ascent anywhere in the form implied, and (3) the resurrection of our buried fleshly body. The sermon was preached before the university of Oxford, and is reported in "the *Guardian*" for November 1, 1912.

In the "Expositor" of October, 1923, at page 310, Canon Storer made a plea for a reconstruction of the Church's "Christology," otherwise its doctrine of the Incarnation. He said that the "Chalcedonian settlement, (incarnation of the *logos*), does not meet the demands of the metaphysics and psychology of today."

Canon Driver, supported by scholars too numerous to mention, amongst whom are Bishops, Deans and other dignitaries of the Church, states that of the first eleven chapters of Genesis once regarded as a revelation from God, giving the origin of the cosmos and its inhabitants, they "contain no account of the real beginnings either of the earth itself or of man and human civilization upon it." That is in his work on Genesis, page xlii.

Stanley A. Cook, in the last *Encyclopaedia Britannica*, referring first to men generally and then to the Hebrews particularly, says: "The Old Testament cannot be taken as it stands as a trustworthy history with which it deals."

Canon Barnes of Westminster Abbey says, "The Bible that really matters to us is the Bible which has been, it is hardly too much to say, discovered by modern scholars * * * This Bible stretches from Amos to St. John." That is in the *Modern Churchman* of June, 1922, at page 134.

Bishop Gore, while claiming that the entire Old Testament contains a "Revelation" seems to think it best to emphasize this fact that it may be seen in the writing of the Hebrew literary prophets beginning with

Amos, so that he practically agrees with Canon Barnes. That is to be found in his work on "Belief in God."

Professor Addis, of Oxford University, tells us that the morality of the Psalter, as high as anything written by the prophets, "does not transcend that of the Egyptian 'Book of the Dead.'" This is from Peake's Commentaries on the Bible, page 369.

Bishop Gore's statement is added to this, that the new science of historical criticism has made it obvious that "the literature of the Old Testament represented the same kind of literature as was found among other peoples and among other literary traditions." The article is in the "Guardian" of February 20, 1920, at page 191.

Twenty years ago Canon Johns, writing in "Cambridge Biblical Essays," asserted that there was nothing unique about the Hebrew religion which would exempt it from the laws admitted to work in the case of other religions."

R. W. Jelf, in his "Commentary on the Articles," says, "The very name 'passions' carries with it the notion of imperfection; and all imperfection we abstract from a perfect Being. The notion passion often implies some change—for instance, when a man is angry, he changes from a state of calm; whereas God is unchangeable. The ascription to God of love, wrath, grieving, repenting, etc., in Holy Scripture, we must refer to *anthropopatheia*, a term meaning men's passions, and therefore foreign to the nature of God." That is at page 33 f. The author is the principal of the famous Church of England Theological Seminary at King's College, London.

The conclusion that the God of orthodox Christianity cannot love is not peculiar to Principal Jelf, but is confirmed by Thomas Rogers, chaplain to Bishop Bancroft, A. D. 1576, in "Commentaries on the Articles," page 35; by Bishop Burnett and Bishop Edward Harold Browne. These writers do not in plain words say that God cannot love, but they definitely affirm that to ascribe the passion of love to God is to credit him with imperfection.

The Reverend B. J. Kidd, the latest Anglican writer on the Articles, says, "To refer to God as 'without parts or passions' suggests in English, a protest against anthropomorphism, or the ascription to God of human

forms and feelings, which is wrong, except in so far as it is either a legitimate consequence of our being made in the image of God or else a necessary accommodation to the infirmity of human understanding." That is in Volume 1, page 66.

Prof. George A. Barton, Professor of Biblical Interpretation and Instruction in the Philadelphia Protestant Episcopal Theological Seminary, says that during the whole time preceding the literary prophets beginning with Amos, God was thought of as existing "in the form of a man." That is in "Hastings' Dictionary of the Bible," Volume 1, page 412.

As for man having been made in the "image of God" Mr. Kidd reminds us by reference to Genesis I. 26, that the statement here signifies man in his complete image of body and intellect, but primarily in his bodily shape, the image of form in which God appeared to Abraham and ate with him, to Moses, to the elders of Israel, and to Ezekiel, proving the inaccuracy of the statement in Article I, that God is "without body, parts, and passions."

This same article, after stating that God is without either body or parts, next states that the Godhead is constituted by or subsists in a "substance," in which two other "personal agents," as Bishop E. Harold Browne calls them, equally share. These personal agents, he says are not "modes, operations or attributes," being very plainly distinguished in Scripture as "personal agents." That statement is found on page 38 of Mr. Kidd's book.

The use here by Harold Browne of the phrase two other "personal agents," meaning the son or Logos and the Spirit, expresses the same thought as that employed by Canons Mason and Peter Green, who speak of the Trinity as "three minds or centers of consciousness" and frankly deny that God is One Mind. Dean Rashdall, commenting on this view, describes it as exactly what it is, tritheism, and he adds that there are many "heretics" in the Church who criticise the heresy of others without evidently being aware how extremely heretical they are themselves. That is in the "Modern Churchman" for September, 1921.

According to Augustine and St. Thomas Aquinas, the Logos and the Spirit as part of the Trinity are merely "modes, operations or attributes" of the One

and indivisible Mind of God. St. Thomas calls the "Persons" of the Trinity, "three distinct aspects or activities of the Divine Mind," his expression being "tres proprietates."

Prof. Wade, Prof. Gould and numerous other Anglican scholars affirm that the explicit teaching of the New Testament gives to both the Logos and the Spirit separate and distinct personalities, and that this is clearly so in the case of the Spirit is seen in II Corinthians, third chapter, 17th verse. See article on "Spirit" in the Encyclopaedia Britannica.

If it were true that all three persons are "equal" and "co-eternal," each person equally would be the fountain or source of Deity, which Dean Inge denies in his article on "Logos" in the Encyclopaedia of Religion and Ethics where he states that the First Person of the Trinity alone is "the fountain of deity."

Also Bishop Mylne, in his work on the "Trinity," says, "The attribute of Eternal self-existence can only belong to One Being. We shall find that there is even a sense in which none but the First Person of the Trinity can be spoken of as Unoriginated."

Canon Barnes of Westminster Abbey told the British Association in 1920 that modern Biblical scholarship had abandoned the doctrine of the "Fall" and all that had been built upon it from St. Paul onward. That statement appeared in the Guardian of September 23, 1920.

The general denial today of the resurrection of the same body buried, is given by Canon Streeter and a host of accredited clergymen of the Anglican Church too numerous to name. They have practically denied all hope of immortality as the Church itself knows of and teaches it.

Sir George Gabriel Stokes, Astronomer Royal and an ardent Anglican, conceded that science knows of no future life apart from the Church's teaching of a body supplied, or rather one would say restored as the New Testament indicates. This, as the Creed has defined it in the resurrection of the buried flesh is the teaching of "the necessary doctrine" put forth by authorities of the Church in England in 1543 and still its official teaching.

The Rev. R. Roberts and the Rev. K. C. Anderson, the Rev. W. Wooding, all claim that alone by the con-

ceding of this demand can the New Testament problems of today ever be satisfactorily met and here Canon Cheyne is largely sympathetic. That is in the Hibbert Journal for July, 1913, at page 921.

You may cross examine.

The Church Advocate: No cross examination.

Mr. Sharts: That is all, Mr. Whatham.

Mr. Whatham: Must I get down? Can't I testify?

Mr. Sharts: No; that is all, Mr. Whatham.

EMORY S. WEST, called as a witness on behalf of the defendant, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION by Mr. Sharts.

Q. State your name, Mr. West? A. Emory S. West.

Q. What has been your profession? A. Officer of the U. S. Army for the past twenty-eight years.

Q. You are now on the retired list? A. Yes.

Q. Colonel, have you engaged in any particular line of research? A. For the past thirty years I have devoted all of the spare time that I could find to the study of the history of pagan religions, the study of the Bible, the evolution of religion and of the various sciences.

Q. To what extent have you pursued these investigations? A. I have read most of the twenty-seven well known pagan bibles, their translations. In addition to that I have studied the well known works such as "The Gnostics, and Their Remains," by King; "Anacalypsis," by Sir Godfrey Higgins; "The Religion of Man," by Tuttle.

By Mr. Smart.

Q. Are you reading from a paper? A. I am refreshing my memory from notes.

Mr. Sharts: I informed Colonel West that there would probably be no objection to his refreshing his memory by notes.

The President: That is all right, go ahead.

A. "Christianity, a Fiction," by Dr. J. H. Mendenhall; "Science and Religion," by Professor John W.

Draper, LL.D.; "Ancient Sex Worship," by Sha Rocco; "Sex Worship," by Dr. O. A. Wall; "Nature Suffrage," by Dr. Charles R. Mabey; "Worship of the Generative Powers," by Thomas Wright; "The Worship of Priapus," by Richard Payne Knight; "Antiquity Unveiled," by Hon. J. M. Roberts; "The Mythical Christ," by Gerald Massey; "The Conflict Between Science and Religion," by Andrew White, President of Cornell University; "Egypt," by Dr. Samuel Birch. Also works by the Egyptologist Wilkinson; "Jesus Christ a Fiction," by Professor M. Faraday, of London; "Records of Monuments," by Boscawan; "The Christ," by John E. Remsberg; "The Bible," by Remsberg; "Translations of the Rituals of Egypt," 42 volumes, by Gerald Massey and others.

Q. Does that complete the list as you have it? A. Of the notes I have. I could name many others if necessary.

Q. Have you yourself been the author of any works? A. Numerous newspaper and magazine articles. Last year I published a volume entitled "The Impeachment of the Bible," and I have another ready for the press, "Christianity, the Child of Paganism."

Q. What is the nature of the last named work? What does it deal with, what do you attempt to do with that work?

The Church Advocate: Objected to as immaterial what the contents of that work are.

Mr. Sharts: I was going to produce the statement here in order to show how he has prepared himself and qualified himself for his testimony.

The President: The objection is sustained.

Q. Colonel, in your investigations you have had an opportunity to ascertain how many of the pagan religions contain savior gods born of virgins, who were crucified and died for the sins of the world, who descended into hell and rose again from the dead and ascended into heaven?

The Church Advocate: That is objected to for the reason that it calls for the witness to judge of his qualifications as an expert, it asks him whether he is qualified to answer a certain question; and for the further reason that if it is intended to constitute an introduction to ex-

pert testimony, he has not qualified as an expert, he has not yet qualified himself as an expert; and for the further reason that the line of testimony would be immaterial, irrelevant and incompetent for this inquiry in any event.

The President: The objection is sustained.

Mr. Sharts: I will enter an exception, and I will have the record show—

The President: If you have the written document there, can't you put it in the record?

Mr. Sharts: Shall I just had it to the stenographer?

The President: Yes, to be copied into the record hereafter, and not have it all read out.

Mr. Sharts: There is a good deal of this that I am sure would encumber the record.

The President: Can't you mark the parts?

Mr. Sharts: This is a very careful missive, and I would hate to chop it up. I think I can save the record a great deal and save the expense of the defendant later in making up the record, by at least selecting some parts of this and reading them, and then perhaps putting the bulk of it in.

Bishop Brown asks if we could allow him to have a little recess.

The President: Can't we go forward in his absence?

Mr. Sharts: I am willing to waive the requirement that he be present. You can go, Bishop.

Let the record show that we expect from this witness to prove the following information, that a partial list of saviours of mythology, associated with sun-worship, who are reported to have been of miraculous conception, born of virgins, crucified, raised from the dead after three days in the tomb, and to have ascended back to heaven, in many cases accompanied by aphanasia, earthquakes and resurrection of the dead, would consist of Alcestis in Greece, 600 B. C.; Atys, in Phrygia, 1170 B. C.; Apollonius, in Tyana, 30 A. D.; Bali, in Orissa, 725 B. C.; Buddha, in India, 600 B. C.; Crite, in Chaldea, 1200 B. C.; Devatat, in Siam, 600 B. C.; Hesus, Celtic, 834 B. C.; Iao, in Nepaul, 622 B. C., Indra, in Thibet, 725 B. C.; Ixion, in Rome, 400 B. C.; Krishna, in India,

1200 B. C.; Mithra, in Persia, 600 B. C.; Prometheus, in the Caucasus, 547 B. C.

The Church Advocate: Are these the dates when those persons are supposed to have risen from the dead?

Mr. Sharts: When they were alive. Thulis, in Egypt, 1700 B. C.; Thamuz, in Syria, 1160 B. C.; Wितtoba, in the Dekkan, 552 B. C.; Quexalcote, in Mexico, 587 B. C.; Quirinus, in Rome, 506 B. C.

We expect to further obtain from this witness the statement that it is easy to trace the transformation of astronomical mythology—

The Church Advocate: Now, just a moment, I object to this portion of the reading. The question that was asked this witness was something in regard to persons who had risen from the dead, and now counsel expects to obtain the testimony of the witness in answer to this question as to something about astrology.

Mr. Sharts: I will ask the question each time, and if you object to it, then I will read it into the record.

The President: I think you had better put it in the record, but saving as much as you can.

Mr. Sharts: It is understood that I am going to bring out all this testimony that I can, and I can do it either by asking questions or reading it into the record. We expect further to obtain an answer from this witness that it is easy to trace the transformation of astronomical mythology into the system of Equinoctial Christolatry called Christianity, and demonstrate the non-historic nature of the canonical gospels by means of the original mythos in which the Messianic mystery, the Virgin motherhood, the incarnation and birth, the miraculous life and character, the crucifixion and resurrection of the Savior-Son, were altogether allegorical.

Furthermore, all forms of worship, ceremonies and sacred or feast days, as observed by Christian churches, were a part of pagan worship ages before the beginning of our era; that in support of this fact Bishop Newton, speaking of the paganization of Christianity, said: "The worship of saints and angels is, in all respects, the same as the worship of demons in former times. The name only is different, the thing is identically the same, the deified men of the Christians are substituted for the deified men of the heathens. The promoters of this worship were sensible that it was the same, and that the

one succeeded the other; and, as the worship is the same, so likewise it is performed with the same ceremonies; the burning of incense or perfumes on several altars at the same time; the sprinkling of holy water, or a mixture of common salt and water, at the going into and going out of places of public worship; the lighting up of a great number of lamps and wax candles in broad daylight before statues of these deities; the hanging up of votive offerings and rich presents as attestations of so many miraculous cures and deliverances from disease and dangers; the canonization or deification of deceased worthies; the assigning of distinct provinces or prefectures to departed heroes and saints; the worship and adoring of the dead in their sepulchres, shrines and relics; the consecrating and bowing down to images; the attributing of miraculous powers and virtues to idols, the setting up of little oratories, altars and statues in the streets and highways and on the tops of mountains; the carrying of images and relics in pompous procession, with numerous lights and with music and with singing; flagellations at solemn seasons under the notion of penance; the great variety of religious orders and fraternities of priests; the shaving of priests, or the tonsure as it is called, on the crown of their heads; the imposing of celibacy and vows of chastity on the religious of both sexes—all these and many more rites and ceremonies are equally parts of pagan and popish superstition. Nay, the very same temples, the very same images, which were once consecrated to Jupiter and the other demons, are now consecrated to the Virgin Mary and the other saints. The very same rites and inscriptions are ascribed to both, the very same prodigies and miracles are related of these as of those. In short, almost the whole of paganism is converted and applied to popery; the one is manifestly formed upon the same plan and principles as the other; so that there is not only a conformity but even a uniformity, in the worship of ancient and modern, of heathen and Christian.

Christmas, Easter, Lent, and even the eating of fish on Friday were observed by the pagan worshipers of the sun-myth, ages before the beginning of Christianity.

Not only are we able to trace the natural genesis of Christianity or Equinoctial Christolatry, back to the days of Sun-Worship, but we can go still farther. Fetishism and Phallic worship have left their unmistakable thumb-prints upon almost every page of the Christian Bible.

Four centuries before the beginning of the present era, the Greeks began to break away from their ancient faith. Socrates, Plato, Aristotle and Euripides, had become profoundly impressed with the immutable and majestic laws of Nature, and the utter worthlessness of the gods of Olympus. Through the influence of these philosophers and the scientific discoveries of the second and third centuries B. C., the national faith of the Greeks was destroyed.

In the years 334 to 332 B. C., the successful campaigns of Alexander gave a prodigious stimulus to Greek intellectual development. This Macedonian army had marched from the Danube to the Nile, from the Nile to the Ganges. "They saw the pyramids that had been built more than two thousand years, the hieroglyphic covered obelisk of Luxor, monuments to languages and peoples long since dead; the avenues of silent, mysterious sphinxes—colossi of kings who reigned in the morning of the world."

At Babylon they found a great city wall sixty miles in circumference and eighty feet high, the temple of the cloud-encompassed Bel, on the top of which was the astronomical observatory. In the palaces of the kings they found carvings, sculptures, enamels and alabaster libraries.

But the things that must have made the most profound impression upon the minds of these Greek soldiers, were the astronomical instruments and the clay libraries of Assyrian kings. They found astronomical observations and records dating back through the years for almost twenty centuries; a record of eclipse for a thousand years and mathematical calculations that must have surprised even the most intelligent. The Babylonians had fixed the length of the tropical year within half a minute of the correct time and the sidereal year within two minutes of the truth. They knew the cause of the eclipse and could predict them; they had correct views of the solar system and had catalogued thousands of stars.

What a revelation to the conquering Greeks! But this was not all; they found that the people of Egypt, India and Persia, had a religious philosophy. The libraries disclosed that these nations had advanced from Fetishism and Phallic worship, to Dualism; from Dualism to Magianism, and that the more intellectual recognized in the manifestations of Nature, "universal in-

telligence, the preserver of all things, the essence of all truth and the giver of all good."

The libraries and works of art were sent to Athens and Alexandria. Under Ptolemy Soter, a half brother of Alexander, the wonderful libraries, museum and schools of Alexandria were established. In a short time that city became the one great center of learning.

Great intellectual stimulus was derived from the schools of Alexandria. It was there that Euclid accomplished his great work, which, to this day, challenges contradiction; it was there that the western world first discovered that the earth is a globe; it was there Zeno's ethical school was established, and it was there that Hypatia was murdered and the first great effort was undertaken to supplant knowledge with religious bigotry, ignorance and superstition, by burning the great museum and libraries.

A short time prior to the beginning of the present era, a number of people in eastern Syria banded themselves together for benevolent and religious purposes. They were ascetics and held their property in common. This sect, known in history as Essenes, adopted, for their religious and moral guide, the teachings of Krishna and Buddha; which teachings parallel, in three hundred and forty-six instances, the teachings of the Jesus of the New Testament.

The hour for such a movement was propitious. Practically the whole of the then known world had been conquered by Rome, and the uniting of the conquered kingdoms under one strong centralized government, removed the danger of wars to which they had so long been subjected; thus paving the way for the adoption of the sentiments of universal brotherhood, which were being taught at that time by Apollonius, and a century or more later attributed to Jesus.

This sect grew very rapidly; they had united on a principle of communism, each throwing into the stock whatever they possessed. The poor were to be supported and the sick cared for. It was a favorable moment too, for the reason that the sacred relics and idols of the pagan countries had been taken to Rome; thus removing from the more remote districts, much of the power and influence of pagan priests.

In time, this organization became known as Christians, due to the adoption of the teachings of Christna

(Krishna), and the close parallel in the incidents of his life, as recorded in the Baghavat Gita (the New Testament of the Vedas) for the Rome-created Christ. Its missionaries, filled with zeal for the new movement, spread its doctrine far and wide; they organized societies or churches, until, in a comparatively short period, the boundaries of the new religion were those of the Roman empire, and Rome became the religious capital.

However, as it grew in numbers and strength, it began to exhibit political tendencies, and showed a disposition to form a government within a government. This attitude was unquestionably due to the influence of the unscrupulous worldly element, who had associated themselves with the new religion, because it offered the possibility of position and power.

The Roman emperors soon discovered that its teachings and aspirations were incompatible with the imperial system. The inevitable happened in the winter of 302 A. D. The church of Nicodemia was destroyed by the pagan followers of Diocletian, and in retaliation the Christians set fire to the imperial palace. Wholesale murders and massacres followed for two years and Diocletian was forced to abdicate.

It now became very evident that the Christians constituted a powerful party, and Constantine, a syphilitic and a murderer, who aspired to become the next emperor, perceived the advantage that might accrue to him by placing himself at the head of the Christian army. Victory soon crowned his efforts, and the Christians crowned him, a pagan, as their first emperor and church head.

Place, profit and power attracted thousands of scheming worldly men to the new religion. Pagans all, their influence was soon felt in a reorganization, and thus Christianity became nine-tenths pagan. Christianity placed an emperor on the throne of the Roman Empire, but it was not strong enough to keep paganism out its ranks.

Constantine, throughout his wicked reign, remained a pagan, and not until his expiring moments did he even submit to the rites of baptism. However, he was enough of a politician to realize the advantage in being an impartial ruler. He built Christian churches and restored pagan temples. "He struck a medal bearing his title as God. He permitted the queen mother to espouse

Christianity. His statue at Constantinople was the ancient statue of Apollo with features changed to represent those of the emperor, and the iron spikes used to form his crown of glory, he falsely told the church, were those with which their God was nailed to the cross."

For the gratification of Helena, the queen mother, pagan priests who feigned Christianity, presented her three crosses, inscriptions and nails complete, claiming that they had been found buried in Jerusalem and they had been identified by miracle as those of the Saviour's cross and the two thieves.

Pagan relic-worship at once set in. The tools with which the Trojan horse was made, the scepter of Pelops, the hide of the Caledonian boar, the sword of Memnon and the spear of Achilles might be viewed for a price. There were statues of Minerva that could wield a spear, images could sweat blood and water and there were paintings that could blush.

The simple religion of the early Essenes was transmuted into one more fashionable and grossly debased. Olympus was restored, but her divinities were given other names; the Egyptian traditions of the trinity were accepted and incorporated in Christianity, Osirus, Horus and Isis became God the father, God the son, and God the holy mother. After many years the "holy mother" was demoted to an ordinary saint and Egyptian Kneph, Holy Ghost was given her place.

With tears of joy the Greek worshipers of Diana, the Egyptian followers of Isis and the Assyrian worshipers of Mylitta accepted the new order of things. This amalgamation of Christianity and paganism caused Faustus to remark to Augustine, "You have substituted your Agapae for the sacrifices of the pagans. You endeavor to appease the shades of the dead with wine and feasts; you celebrate solemn festivities of the Gentiles; their calends and solstices, and as to their manners, those you retained without alteration. Nothing distinguishes you from pagans, except that you hold your assemblies apart from them."

At weddings they sang songs to Venus, and heathen rites were adopted. We find the same processional service, the same ritual, the same gorgeous robes, mitres, tiaras, wax tapers, etc. The church crozier is the old Roman lituus, the pagan sign of augurs. Large quantities of earth was brought from the "holy land" and

sold at enormous prices by the priests, who claimed it would keep the devil away. Water was consecrated with pagan ceremonies; images of saints and martyrs were brought into the churches and worshipped as had been the heathen gods. Paintings of Isis seated on the crescent moon with the child Horus in her arms, became the madonna of the Christians.

The early church knew nothing of the life or death of Jesus, but the pagan priests of Rome, the Kamite priests and the Magi of Assyria, all knew the true mysteries of the heavens and the false history of incarnated savior gods. For two thousand years, immaculate conception, virgin-born gods and crucified saviors formed the center of all great religious systems. The true mythos was kept from the ignorant, and only the Gnostics (knowing) understood its significance. Many of the apochryphal books of the Bible show clearly the mythical meaning of the writers. For this reason they were rejected.

From the recovered gnosis of Magianism we have a very clear conception of what constituted the Sun-Worship of Persia and Chaldea. This form of religious worship, no doubt, originated from the blending together of innumerable fetishes in the sun, the most glorious object in the heavens.

"It was a grand belief; this worship of light and flame as the emblem of the Creator. Nature wrote in her symbolism the profoundest distinctions of the analyzing mind. What is more glorious than the sun bursting out of the eastern darkness, flooding the world with dazzling light? Life awakens at the coming of the Lord of Day. He is the creator of the life he evokes. How sad is his setting in the mists of the evening, and terrible the darkness!—more terrible to the uncultured, as their fancy peoples it with invisible beings. The beasts of prey lurk in the shadows, and the enemy takes advantage of it to approach." It is Tuttle's "Religion of Man," that is being quoted here.

The Magians were the priestly order; endowed by the gods, their authority was never questioned, for disobedience called down divine wrath. Babylon was the paradise of the priests; above her lofty walls arose the ambitious towers devoted to the worship of the gods. The finest marble and granite were used in the construction of the temples, which, within, were adorned with

silver and gold and precious stones. On their altars burned the perpetual fire, consuming the finest of the flocks and herds and the scent of roasting flesh ascended to heaven as a pleasing odor to the nostrils of the deities; while the people, a large proportion of whom were slaves, dwelt in hovels and were denied decent food and raiment.

The divine Father Ormuzd, was the chief deity. He was the "King of Light," "God of the Firmament," "God of Goodness," "God of Truth," "The Eternal Source of Sunshine and Light," "The Center of all that Exists," "The Eternal One," "The Creator," "The Sovereign Intelligence," "The All-seeing," and "The Just Judge." He was said to be seated on a white throne in the regions of pure light.

Like Brahm of the Hindu religion, he was so far removed from the habitations of men that he could not hear their cries or minister to their wants; so, Mithras, the Mediator, came as a savior to the children of men. He was said to have been the divine son of Ormuzd, born of a virgin, taught a pure religion, was crucified and became the "sun-god."

He was the second savior sent to the people of Persia; the first of which there is any record, was Thammuz. Both of these savior-gods are reported to have been born on the 25th of December; for it is then that the sun perceptibly begins its return journey from the south and is born again. The Persians celebrated this event with greater ceremonies than Christians do their Christmas-tide.

Mithras, the Persian god of Light, was supposed to act as a mediator between the Supreme God and man. He is accorded the most prominent place as a spirit because of his relation with the human world. He is an all-seeing and omniscient god, constantly striving with the powers of darkness. His worship, in underground chambers, included baptism, anointing with honey, and a repast of bread and consecrated wine. The reason for his worship, at seven stated periods of the year, in underground chambers, was the belief that this incarnated savior was born in a manger in a cave, and that he was buried in a cave following his crucifixion. The Catholic Church recognizes seven sacraments each year. (See Higgins, Schane, Guebres and the Zend Avesta.)

Mithras was the highest of twenty-eight second-class divinities of the ancient Persian Pantheon, the Ized or Genius of the Sun, the ruler of the universe. Protector and supporter of man in this life, he watches over his soul in the next, defending it against the impure spirits, and transferring it into the realm of eternal bliss. He is constantly opposing Ahriman, the "Prince of darkness," the "devil" or "Evil one." The ancient monuments represent him as a beautiful youth, dressed in Phrygian garb, kneeling upon an ox, into whose neck he plunges a knife; several minor, varying allegorical emblems of the sun in his course, surround the group.

From Persia, the worship of Mithras and the mysteries was imported into Asia Minor, Syria and Palestine. Its influence was felt throughout western and northern Europe, and many tokens of its former existence are found; for instance, in Hedernheim, Germany, near Frakfort-on-the-Main, and at other places, Mithraic monuments are still found. It was finally suppressed in Rome, after many vain endeavors, in the year 378 A. D. This was immediately following the complete paganization of Christianity, which removed most of the cause for opposition on the part of the followers of Zoroaster. (See Chambers Encyclopaedia, and the works of Tuttle, Higgins and Graves.)

As stated above, the birth of this "sun-god" was celebrated for many ages before the dawn of our era, on the 25th of December, a date, which, without any evidence whatever, was selected as the birth of the Christian "son of god." But there was another great feast day celebrated in honor of the Persian savior, and that was Easter. On the vernal Equinox, or Easter Day, they held festivities which, for splendor, never were excelled. "The annual salutation of Mithras the 'Mediator' and 'Savior,' was the greatest event of the year; all the people participated, and neither time nor expense was spared to make this wonderful pageant attractive and impressive. Forty days preceding the 'Annual salutation,' or Easter, were spent in thanksgiving, sacrifice and self-denial."

"On the appointed day," says Tuttle, "long before the light of morning, the great city of Babylon, the center of fire-worship, was astir; and her myriad population swarmed the streets, washed and dressed in gala

attire. The vast brazen gates looking to the east were wide swung; and the procession began its march to the holy Mount Orantes, there to salute the rising sun. First was the high priest, bareheaded, his tiara borne by a page, and behind him followed a long train of Magi, in robes of spotless white linen, chanting hymns, and swinging over their heads silver censers, in which the sacred fire was burning. Behind them, in single file, came three hundred and sixty-five noble youths, representing the days of the year, clad in scarlet to represent flame. Then came the chariot of the sun, empty, but decorated with garlands, drawn by white horses harnessed with burnished gold; and led behind this the most superb white horse to be obtained, his forehead blazing with a diadem of gems. Then came the king in a chariot of ivory and gold, and an endless train of courtiers and nobles riding camels, followed by the people. Slowly they ascended the mountain; and gaining its summit, the vast host faced the east, overlooking the purple plain, where on the remote horizon the first red blush of Aurora, goddess of the morning, heralded the coming of her lord. The stone altar was prepared in front of the breathless ranks and piled with odoriferous woods and frankincense, on which the beautiful white horse devoted to the god was placed. The high priest assumed his tiara, wreathed now with myrtle, and taking the silver censer, from which streamed the sacred fire, held it aloft, while he watched for the coming of the sun. When its rim first appeared, he lighted the offering; and as the fragrant smoke arose in the still, clear air, the Magi sang a hymn of praise to Ormuzd, source of all blessings, who had sent the radiant Mithras as a savior to mankind. The high priest offered prayers, and all the vast multitude joined in a chorus of praise; and beggar, priest and king prostrated themselves before the orb of the day.

“Wonderful pageant, yet not so tender as that given in honor of Mylitta, virgin mother of Thammuz,” an incarnation of Ormuzd, who was crucified, according to Ctesias and Higgins, in the year 1160 B. C.

Mylitta was represented as bearing an infant son in her arms. The mothers of Tyre and Babylon bowed at her shrine. To them she was the affectionate mother, whose heart could be touched by their appeals. She was said to be exceedingly beautiful and the erring sinner could plead with her with more chance of success than

to the stern "Father." She had incarnated divine nature without sin, and her son had suffered death for the salvation of men; therefore, she had the right to plead with Ormuzd for the forgiveness of sins. She was the "Celestial Virgin," the "Mother of God," the "Great Mother," and the "Immaculate One."

The time of year at which the feast of Thammuz was celebrated, is not known with any degree of certainty. But it is believed to have taken place at the summer solstice. Thammuz (Tammuz as it is written in the Bible) is the Hebrew month of August, which would appear to lend support to the claim that these rites were celebrated in mid-summer. In the eighth chapter of Ezekiel and fourteenth verse, we find, "And, behold, there sat women weeping for Tammuz." From the seventh to the fourteenth verse, inclusive, the writer appears to be describing the festivals and mysteries of these celebrations after they had degenerated into licentious and fanatical rites so well known in the worship of Ceres and Adonis. In fact, the Vulgate makes use of the word Adonis instead of Thammuz. The feast of Ceres at Eleusis began on the 15th day of Boedromion, or the third month of the Attic year, and lasted eight days.

The worship of Thammuz and the Phoenician god Adonis appear to have been introduced into Syria, Cyprus, Egypt and Greece, at a very early period. The festivals were partly the expression of joy, partly of mourning. In the latter, the women gave themselves up to the most unmitigated grief over the death of their god, shaved off their hair, and sacrificed their chastity in the temples. The days of mourning were completed by a solemn burial of an image of their god. This period was followed by a succession of festive and joyful days in honor of his resurrection.

The Gospel of Christianity is taken for granted by those who know no farther, and who have no desire to know. However, the fact remains that the sayings, dogmas, doctrines, types and symbols, including the cross and the Christ, did not originate when they are generally supposed to have made their first appearance. The gospel was written many ages before, in the celestial wisdom of the Gnostics. This secret wisdom and its key have been discovered in the keeping of the mummies, in the mausoleums of the dead. The celestial allegory has come to light again through the resurrection of ancient Egypt;

and the Bible can now be read as originally written by the priests associated with sun-worship.

"The Holy Family of Egypt," says Tuttle, "presented a beautiful and charming picture. As Osiris was the active principle of creation, Isis was the passive. She was the prolific mother; and between them, they are represented as bearing the cross mysterious emblem of life, which, in a later age, the Christians adopted as the symbol of life immortal gained thereby." In her arms she bears her beautiful infant son, Horus, the incarnation of the All Father. In the hieroglyphics she is styled, "Our Lady," "Queen of Heaven," "Mother of God," "Immaculate Virgin," all of which were afterward applied to the Virgin Mary. She is represented as standing on the crescent moon, with twelve stars over her head, and holding her son in her arms.

The birth of Horus was celebrated on the 25th of December, each year, and was made the occasion of great national rejoicing. King, nobles, and a great concourse of people, were led by the high priest to the village where Horus was said to have been born, and there, in a manger, awaiting them was a young mother and her infant, exalted for the time to act the part of the "Immaculate Virgin," or mother goddess. They were crowned with flowers and taken to the temple, followed by the throng, chanting sacred hymns of joy. After the ceremonies at the temple they gathered on the banks of the Nile to witness the closing act of the drama; when the high priest launched a minature ship, (solar boat) laden with the choicest fruit of the land, as an offering to the "Mother of God."

The people were taught that the spirit would return to reinhabit the body, and unless preserved, the soul of the loved one would be compelled to wander forever without one. Thus the body as well as the soul was in the keeping of the priests, and they carefully wrapped the embalmed body to await the "resurrection morn."

The first conception of evil originated in an imperfect knowledge of nature, and a personification of this imperfect knowledge became the god of evil. This is true of all religious systems. Egypt attempted to solve this problem of good and evil by supposing Typhon, the god of destruction, to be a twin brother of Osiris, the creator. He was the god of darkness and eclipse;

the cause of drought, disease, deluge, conflagration, and every malign influence affecting the happiness of man. The Egyptians called this god of evil, Suti, which, afterward became Satan, or the devil of Christianity. He was originally worshiped as a good god, but like Ahri-man in the Persian theology, and Satan of the Jews and Christian, he rebelled and lost his high estate and goodness.

The religion of Egypt was a philosophical pantheism, the various attributes of the Deity being divided amongst the different gods of the Pantheon. The principal nomes and cities had each a family group of gods, consisting of a parent, wife and son. However, the worship of the Osiris, Isis and Horus triad, appears to have been universal all over Egypt. The number three, or the trinity, has been accorded a prominent place in all religions, ancient and modern; and can be easily traced back to the period when it consisted of the male triad in Phallic worship.

The Egyptians believed that the forces of nature were distributed among the innumerable host of inferior deities and spirits. To every human being was awarded an attending spirit, and, in the descending scale, air, earth, water, stones, plants, and animals, all had their attending spirits or genii, good or bad, according to their quality as judged by man.

The stars were animated with souls, or gods, who took a deep interest in mankind. When Isis died she became the soul of Sirius; and as that star happens to be connected by its risings with the inundations of the Nile, it was taken as the cause of that event, and accorded divine honors.

The gospel story of the Christian god, Jesus, is not unlike that of the "Virgin" born gods of other religions. The gospel history was "written before." The story of the divine Annunciation, the miraculous conception (incarnation), the Birth, and adoration of the Messianic child, had already been engraved in four consecutive scenes upon the walls of the "holy of holies" in the temple of Luxor.

I want to introduce in evidence a reduced photographic copy of the hieroglyphics upon the walls of the inner temple at Luxor, at Thebes in Egypt, as accom-

ppanying this testimony, marked "Defendant's Exhibit 1".

(The same is attached at the end hereof).

The President. That will be received as part of the record.

Mr. Sharts: In these pictures the maiden queen Mut-em-Ua, mother of Amenhept, is shown as impersonating the virgin mother (Isis), who bore without fatherhood the Only One (Horus). She is referred to in hieroglyphics as the "Solar boat".

The first scene on the left hand shows the god Taht, the lunar Mercury, the divine word or Logos, in the act of announcing to the virgin that she is to give birth to the coming son. In the next scene the god Kneph, in conjunction with Hathor, gives her life; Kneph being the "Holy Ghost," or spirit that causes conception. It is of interest to note, in the hands of Kneph and Hathor, the Phallic symbol of the male triad, to which is attached the female yoni. Next the mother is seen on the mid-wife's stool, and the child is in the hands of the nurses. The fourth scene is that of the adoration. The child is receiving gifts from the gods and from three "wise men," and this story in picture was written three thousand five hundred years ago.

It is an undisputed fact that all the great pagan religious systems of the earth were but allegorical forms of idolatrous sun-worship.

Political reasons led the emperors to encourage the admixture of Christianity and paganism, and doubtless by this means the bitterness of the rivalry between the antagonists was somewhat abated. The heaven of the new religion was the old Olympus, from which the venerable Greek divinities had been removed. "On a great white throne, now, sat God the Father, on his right the Son, next, the blessed Virgin, clad in a golden robe, and 'covered with various female adornments,' on the left sat God the Holy Ghost. Surrounding these thrones were hosts of angels with harps, and the vast expanse beyond was filled with happy spirits, seated at tables and enjoying a perpetual feast." These carnal and materialistic conceptions of God and heaven were soon rejected by many of the ecclesiastics, but the ignorant dupes and slaves of Christianity never inquired how the details of such a heaven could be carried out.

The Egyptians were responsible for the adoption of the peculiar Trinitarian views held by the Church; for, under the form of the adoration of the Virgin Mary, the worship of Isis was restored.

The study of Egyptology takes us back to the remote past when all nations worshiped the sun and stars as their gods. It enables us to turn to the long lost pages of history, and there recognize the mythical characters and ideas which not only formed the basis of ancient religions, but prove, beyond any reasonable doubt, that every religious system extant rests upon what is known as heathen mythology. The large accumulation of facts prove that Christianity is a fiction of stupendous proportions, but the day is not far distant when the reign of religious delusion and superstition shall cease, and true knowledge shall replace the chimeras and vain imagining of ecstatic dreamers.

The origin of Hebrew and Christian theology is discovered upon the temple walls of Luxor, the resurrected monuments, and the recovered rituals and sacred books in keeping of the mummies. Sufficient evidence has been recovered to prove that all previous speculations and conclusions concerning the genesis of Christianity were inadequate, because the Kamite origin of Mythology had not yet been discovered, or admitted in the ex parte testimony and disquisitions of prejudiced theologians.

It may be a matter of some surprise to the Christian to learn that the book of Revelations contains the oldest matter in the New Testament. As a matter of fact it is the oldest book of the Bible. It is true many changes in names, etc., were made by the early church writers in their efforts to make it conform to their spurious history.

Christians, in their ignorance of the origin and significance of the subject matter contained in the book of Revelations, believe A. O. (Alpha and Omega), to be the Jesus of the Gospels. The Revelations of the New Testament, is a drawn out and exaggerated copy of Bahman Yasat, the Mithraic Revelation so often referred to in the Parsee sacred books. By an application of the comparative method, the personages, scenes, circumstances and transactions are found to be identical in both books. Each revelation relates to the Kronian allegory, and in both, the prophecy is solely astrological.

In the Mithraic Revelation, Zaratusht enters the trance state in order to look into the future; he remains

in that state for seven days and nights. John was in trance, or in the spirit, on the Lord's (seventh) day. Zaratusht was entranced by drinking (mesmerized) water, by which the wisdom of the heavens was made known to him. John eats a little book and gives his prophecy. (Rev. X, 9-11.)

The vision recorded in the Bahman Yasht relates to the seven regions of the world founded on the heaven of the heptanomis; John's to the Seven Churches of Asia. These seven divisions in time and space are represented as a tree of seven metals and seven branches. In John's vision the tree is typified by seven candlesticks. In both accounts, seven ages or passing periods of time are portrayed. In both, the world is described as being choked with unburied dead. The people "perish in the northern quarter," celestial Egypt, or the domain of death and hades. In both, the beast from the pit appears; and is furious because his time is growing short. In one revelation the Azi-Dahaka or destroying serpent is said to swallow "one third of mankind, cattle, sheep, and other creatures of Ahura-Mazda." In the other the great red dragon appears as a wonder in heaven, "and his tail drew the third part of the stars of heaven, and did cast them to the earth." Rev. XII, 4. It is apropos to state in this connection that, the seven stars of Ursa Minor represent the head of the Dragon, and the tail sweeping around to the star Etanin describes exactly one-third of the circle of Precession, including the ancient pole-stars from Etanin, which was pole star from 11,051 B. C., to Draconis, about 2,500 B. C. (See works of Higgins and Massey.) The old Satan and the great harlot are to be cast out; the Persian whore is identified as Venus. It is said, "When the star Jupiter comes up to the culminating point, or crosses the meridian, he casts Venus down and the sovereignty comes to the Prince."

The ancient genetrix is to be supplanted by another "woman who becomes ruler," and who appears in Revelation as the mother of the child, "a woman clothed with the sun, and the moon under her feet and upon her head a crown of twelve stars." Rev. XII, 1. This picture has been referred to in the Egyptian allegory of Isis and Horus. At the coming of her child, the promised prince, born of a virgin, the signal is to be given by a star. "That a sign may come to the earth, the night when the prince is born, a star falls from the sky;

when that prince is born, the star shows a signal." In both visions a star falls from heaven. The prince of thirty years is identical with Horus, or Christ who manifests at thirty years of age. The "two witnesses" of the one revelation are "two angels," the two especial messengers of Ahura-Mazda to mankind, called "Neryosang," the angel or friend, and "Serosh" the righteous in the other. The apostate of one revelation is the apostate dragon in the other.

In both the Persian scriptures and in Revelation the astronomical prophecies are fulfilled; the millennium arrives; the old heaven passes away. The tree of heptanomis or primary heaven of seven divisions which are typified by seven branches of the tree, was not only seen by Zaratusht but represented on Assyrian monuments and in the Kamite planisphere, is superseded in the "New Heaven" of twelve signs and seventy-two Decans by the "Tree of Healing for all nations."

In Revelation this drama is dated, and the stellar scenery belongs to the time when the solar birthplace was in the sign of Aries, which was symbolized by the Mithraic lamb of the Persians as the type of the manifestor, called the Messiah. This dates the time of the last pole-star in the Dragon; it is the end, the resurrection, the judgment, the new heaven and the renewed earth of the "coming one," or 2,410 B. C.

In the book of Enoch, the Son of Man takes the seat of the Ancient of Days at the end of the great year, and is the manifestor or Messiah of the cycle of 25,868 years. "This is the book of the revolution of celestial bodies according to every year of the world, until the new work should be effected, which will be eternal." Hence it is said that in the new heaven they shall not "enter upon the enumeration of time." Here, likewise, the manifestor, the Kronian Christ, assumed the likeness of the eternal in a psychotheistic phase. (Mythical Christ, p. 7; Bund Ch. 71, p. 1.)

The book of Enoch was written not later than the century previous to the present era, and the subject matter treated is very ancient, yet in that book the Messiah had already come as the Son of Man or of God the Father, to supersede the son of the woman; just as it is in the book of Revelation.

In Enoch the stellar and lunar logos was superseded by the solar god. The end of the great year had come,

the heavens were renewed; all the prophecy there ever was, according to the gnosis, had been realized; and there was no false claim that it had been fulfilled in a human history.

The Aeonian coming of the Kronian Christ, the promised redeemer, is not only prophesied by Esdras in one of the Books of Wisdom, but is also dated; "Behold, the time shall come that these tokens which I have told thee shall come to pass, and the bride shall appear, and she coming forth shall be seen, that now is withdrawn from the earth. For my son Jesus shall be revealed with those that be with him, and they that remain shall rejoice within four hundred years. After these years shall my son Christ die, and all men that have life. And the world shall be turned into the old silence seven days, like as in the former judgments; so that no man shall remain. And after seven days the world that yet awaketh not shall be raised up, and that shall die which is corrupt. And the earth shall restore those that are asleep in her, and so shall the dust, those that dwell in silence, and the secret places shall deliver those souls that were committed unto them. And the Most High shall appear upon the seat of judgment, and misery shall pass away, and the longsuffering shall have an end." (II Esdras, VII.) And I might also mention it is in the Second Article of Religion in the Book of Common Prayer, named among the uncanonical books that we are supposed to read for instruction.

The New Jerusalem was described as the bride coming down from heaven adorned for her husband; the bride was the wife of the lamb. In the next sign she would be Ichthys, the fish. This would date the prophecy (255+400) in the year 655 B. C. (Rev. XXI, 2, 9, 10.)

The prophetic and the historical are combined here, and the subject matter is easily explained according to the gnosis. The principles of the apocryphal tradition are identical in all the books of wisdom. Yet, these books of Esdras are held to be spurious and are not included in the canonical scriptures. How is it that the scriptures which contain the hidden wisdom and show that the gnosis relates to the fall of Adam, the loss of Paradise and the coming of Jesus, as restorer, within four hundred years, should be rejected in this manner? Because they prove too much, and are historical in the wrong sense. Their testimony was ruled out by the

ecclesiastical court. They are historical solely in support of the allegory that was Kronian, and the Christ who manifested periodically and was forever Æonian. They prove too clearly the way in which the records of astrological Christolatry had been written before the first conception of Christianity.

The story entitled, "Descent of Christ in the Underworld," is found in the gospel of Nicodemus, or "Acts of Pilate." This last act in the allegorical drama of redemption is the fulfillment of the astronomical prophecy, the cycle Precession being completed by the Christ (Kronian) meeting with Adam (also Kronian).

The astrologers of ancient sun-worship, who were the high priests and magi, made the history of their sun god a tragic story. The evening of the year approaches and the night of death is near. He descends into Hades where the dead, seeing his great light as it shone upon them, awoke and understood that it was the coming Christ who was announced by John the last of the prophets.

The legend of the tree is repeated; Adam (the sun) is sick unto death; he sends Seth for oil from the tree of life, but Eden is lost. Then the sun enters Amenti at the end of the great cycle; the tree is restored in the shape of a cross, the mysterious emblem of life, and Christ (Kronian) crosses the equinox. The first Adam and the second Adam joined hands and Paradise was restored.

"The seventy were seventy princes and rulers in the heaven of seventy divisions, preceding that of the twelve signs and seventy-two duo-decans in which the lost tree of seven branches was replaced by the cross of the four corners." Massey.

The early history of the Christian church, particularly the Abyssinian church, discloses the fact that Pilate was one of the canonized saints; his day being that of the summer solstice, the time when the sun began its descent towards Hades where the dead in the lower heaven would "see his light and arise."

The cross, upon which hangs the monstrous and repulsive fiction of Christolatry, is a figure of the equinox, and the Christ of the gospels is identified with the sun of the crossing. When the circle, or colure, of the celestial sphere passes through the cross and the sign of the Bull Apis, or Serapis is the Christ that died and

rose again as the typical Messiah. When in the sign of Aries, the Ram of Sebek-Ra, and of Num-Ra, or the Lamb of Mithras typified the Christ; and the time and place of the sacrifice was always identified with the visible southern cross. The Ram, or Lamb, remained the Christ in the Christian church until the seventh century of our era, when it was replaced on the cross by a figure in human likeness.

The so called sacred records of Persia, Egypt and India, prove that the incarnation of their gods was dated astrologically. Their coming was indicated by the messianic star, and their birthplaces were determined by astronomical signs.

The mythical and celestial origin of gospel history is undeniably established by the "Star in the East," which indicates the birthplace of the "coming one" as it passes from sign to sign. At that time, the wise men or magi declare they have seen his star in the east. The wise men are the Three Kings of other legends, and are not original in the canonical gospels. "The three kings or three solar representatives are as ancient as the male triad that was first typified when the three regions were established as heaven, earth and the nether world, from which the triad bring their gifts."

Orion was the star of the Three Kings which rise to show the time and birthplace of the "coming one" in the heavens some six thousand years ago, when the vernal equinox was in the sign of the Bull. In 2,410 B. C., the colure passed into the sign of the Ram, and the triangle or pyramid of Harkhuti became the Star in the East that rose in the decans of Aries to show the solar birthplace for 2,155 years.

In a grotto of ancient Cyrene there is a fresco in which the Good Shepherd or Christ is portrayed. He is accompanied by seven lambs, and seven fishes are arranged in a semicircle over his head. This clearly represents the solar Messiah, the manifestor of seven powers who is identified with the sign of Aries by the seven lambs, and with the sign of Pisces by the seven fishes, the two types having been combined in one representation through the course of precession, and blended in the consequent imagery.

That the Jews were not only in possession of the astronomical allegory, but also of the tradition by which alone it could be interpreted, is shown by their prophecy

which relates to the entrance of the vernal equinox into the sign of Pisces, 225 B. C. Also, by the statement in the Talmud that the Dag (fish), Messiah, was connected with the sign of fishes.

Prosper Africanus calls Christ the "great Fish," Augustine says he is "the broiled Fish." And so he was, for, the solar birthplace of the Hebrew Messiah was in Bethlehem, 225 B. C., when the equinox had entered the sign of Pisces.

The scenery of the heavens was localized and represented on earth. Bethlehem means bread-corn, grain, or wheat. Isaiah knew the meaning of the word in the astrological sense. In the houses of the zodiac, that of Virgo is the place of seed for sowing, and the opposite sign, Pisces, is the house of the gestator who brings forth the corn.

"Ye shall find the babe lying in a manger." The manger is zodiacal and celestial. It has been the birthplace of Messiahs in Egyptian and Persian mythology for ages. The typical birthplace was designated Apt or Aptu, whence the name Abydus. Ap, Egyptian, means to manifest and expose to view, also to guide; Apt is the place or person. Apt also means birthplace and manger. The manger, apt, is a sign of the birthplace in Thebes, and is zodiacal. The hieroglyphics explain why the divine child was born in a manger. If necessary, it could be established that the gospel history was "written before" from beginning to end, but surely this is sufficient upon this particular subject. To those possessed of reason and honesty, it will be ample proof that the gospel history of the birth of the Messiah is nothing more or less than a celestial allegory; to those not so richly endowed, no amount of proof would shake their faith.

December 25th was the date assigned to the birth of the son-god Mithra of Persia, and of Horus in Egypt. Plutarch states that the virgin mother Isis was "delivered of Harpocrates (Horus-child-of-the-mother-alone) about the winter tropic, he being in the first shootings very imperfect and tender; which is the reason, as the Egyptians say, that when the lentils begin to spring up they offer him their tops for first fruits.

The birthday of Mithra, and for that matter most of the secondary gods associated with pagan sun-worship, was celebrated the day of the solstice, our Christmas

day. He was born in a cave and wherever Mithra was worshiped, the cave was consecrated to him, as the highly mysterious cavern was sacred to the sun-god in Egypt.

In the 18th Chapter of the gospel of James it is stated that Jesus was born in a cave. In the pseudo-Matthew gospel we find this language, "Mary entered the cave below a cavern in which there was never any light to bring forth the light of the world, and on the third day she went out of the cave and entering a stable, put her child in a manger." In the history of Joseph the Carpenter, the Christ states that his mother gave birth to him in a cave. In the Arabic gospel of the Infancy, the birth occurred in a cave.

The cave, or winter solstice in Capricorn, was the birthplace of the Mithraic Messiah from 2410 to 255 B. C., and was continued as the cave or birthplace of Christ after it was no longer applicable to the solar-god. Justin says, "Christ was born on the same day that the sun was reborn in the stabulo Augiae."

The cave of Mithra was that of the sun born in the winter solstice when it occurred in the sign of the sea-goat.

Chrysostom of Antioch, who wrote on the nativity of Christ about 380 A. D., gives us an idea as to how the apostolic institutions were derived. He says, "It is not yet ten years since this day was made known before from ancient and primitive times, and to the dwellers from Thrace to Cadiz (Gaderia) it was previously familiar and well known." How was it that this birth-day of Christ was not known in Antioch, on the border of the Holy Land itself, where the name Christian is said to have been first adopted?

The similarity between the stories of Krishna and the Christ of the gospels will be considered later, but it is proper at this time to speak of the story relative to time of taxing. When Vasudeva carried away the newborn child from the cruel clutches of Kansa, the Herod of Purana, who slew the children of Devaki in his endeavor to kill Krishna, he meets with Nanda and his companions, the herdsmen, who were coming to pay their taxes to Kansa. The story of Krishna was written 1200 B. C., and the author of the gospel of Luke surely had access to the Hindoo scriptures, as will be shown in another chapter.

Clement Alexander asserts that our Lord was born in the twenty-eighth year (era of the battle of Actium, 31 B. C.) when the first census was ordered to be taken under Augustus. Luke, however, states that Christ was born at the time of the taxing and enrollment which was made when Quirinus was governor of Syria. Now Quirinus was not appointed governor of Syria until the thirty-seventh year of the battle of Actium; so, there is a difference of at least nine years in those two accounts. The authors of Christolatry did not know the date of Christ's birth, and no one today knows anything about it. It has no place in history, except as a sun-myth.

John the Baptist, who is made an historical character in the gospels, is supposed to have been born six months prior to the birth of Christ; and the 24th day of June on the calendar of the Christian Church is fixed as the date to celebrate his birth. The story of the forerunner being so closely related to that of the Christ of the gospels, some reference to the astronomical aspects of his birth and career will not be out of place at this time.

According to McClintock and Strong's *Ecclesiastical Cyclopaedia*, the 24th of June was a festival to commemorate the nativity of John the Baptist, as early as the fourth century. On the 24th of June the declination of the sun begins, which shows very clearly that the Christian hierarchy that placed this date upon the church calendar, knew this forerunner and announcer related to the sun. "He must increase, but I must decrease." The sun was on his decrease or downward march to the winter solstice. This festival may not have been celebrated by the Christians prior to the fourth century, but it was a great feast day among the pagan sun-worshippers 2,000 years before the beginning of this era.

John the Baptist was the sun of the summer solstice, he was born on the 24th of June, but he was not heard preaching in the wilderness until Jesus came to dwell in Nazareth. The wilderness was the cold, desolate and dark scenes of midwinter, just six months after his birth, when he had reached his final decrease, and Jesus (Iu-em-hept, Iusu, or Jesus of Egypt) the ascending sun was born. On the 24th of June the declination of the sun begins, which shows very clearly that the Christian hierarchy knew this.

Many names could be added to the above list, but this should be sufficient to prove the universality of the belief among all nations that gods came down from heaven to be born of virgins, suffer an ignominious and uncomplaining death as an atonement for the moral blunders of their people, and as a finishing touch to the drama, be raised from the tomb and ascend to heaven.

Many of these so called saviors were never known to history; they are pure fiction, mythical characters in the zodiac of ancient sun-worshippers. The Gnostics (knowing) understood that they were symbols, or types in the astrological mysteries, but the Agnostics (unknowing) were taught that they were veritable gods who had performed upon the mundane stage of life. In the cases of historic characters, who were deified by the magi priesthood, the same celestial map was used to make their mantle of glory, but the cloth was not cut until time had erased every trace of their memory from the minds of the uninitiated.

In the study of the Ritual, Books of the Dead, Rig-Veda, Yagur-Veda, Sama-Veda, Athrava-Veda, Kahabharata, Bhagavad Gita, Zend Avesta, the New Testament, and other bibles, many striking parallels are found in the accounts of the incarnated saviours in all religions.

The Messiah of Egypt who was the manifestor of the seven powers in the sign of the solar birthplace was one in phenomena, but he had a number of personifications and names in the different cults; he was Horus in the Osirian Mythos; Har-Khuti in the Sut-Typhonian; Iu-em-hept in the cult of Atum; and Khunsu in that of Amen-Ra. These several characters were reproduced in the Christ of the gospels.

Christ is the Good Shepherd. So was Horus.

Christ is the Lamb of God. So was Horus.

Christ is the Bread of Life. So was Horus.

Christ is the Truth and the Life. So was Horus.

Christ is the Fan-Bearer. So was Horus.

Christ is the Door of Life. Horus was the path by which the dead travel out of the sepulchre; he was the god whose name is written as the Road.

Christ is the coming one, "He that should come," "He that cometh." The same was written of the Egyptian Jesus, Iu-em-hept.

Jesus came in the name of the Lord. Horus was the Lord by name.

Paul said Jesus was the second Adam. The Egyptian Jesus was the second Atum.

In the Litany of Ra he is the supreme power that rests in the empyrean, who is born as his own son. In John's gospel we read: "I and my father are one," "From henceforth ye know him and have seen him," (the father).

The vanishing vision of Jesus as he is taken up into the clouds, finds its prototype in the Jesus of the Egyptians.

Iu-em-hept, the Egyptian Jesus, was the only begotten God. Jesus of the gospels is the only begotten son. However, one version is the same as the Kamite origins. The Egyptian text is almost identical with that found in the first chapter of John. The Egyptian Jesus was called the good beetle, scarabaeus, meaning self-produced. Ambrose knew that the beetle was the symbol of the Christ. Augustine identifies the Christ as the good scarabaeus.

The President: Mr. Sharts, are there other passages that you think it essential to get into the record by reading them, or can they be put in otherwise?

Mr. Sharts: I haven't had opportunity to prepare this for reading. If I had had opportunity to prepare it, I might perhaps have had my passages marked.

The President: May I ask if you are putting this into the record so that, this Court having excluded it, you can have the benefit of your exception?

Mr. Sharts: Yes.

The President: Don't you think you have got enough of it in?

Mr. Sharts: If the Court will give me ten minutes to run through this—

The President: Very well.

(Recess.)

Mr. Sharts: I will withdraw Colonel West for the time being and place Bishop Brown on the stand.

The President: The Court is willing to waive the oath in the case of Bishop Brown, if counsel desire it.

Mr. Sharts: He doesn't want it waived.

The President: The Court is willing to waive it as a matter of courtesy.

Mr. Sharts: I didn't know that that was a matter of courtesy.

BISHOP WILLIAM MONTGOMERY BROWN, having been first duly sworn by the Clerk, according to the form hereinbefore set out, testified on his own behalf as follows:

DIRECT EXAMINATION by Mr. Sharts.

Q. Please state your name? A. William Montgomery Brown.

Q. What is your age, Bishop? A. I will be sixty-nine the 4th day of September.

Q. Where were you born? A. Near Orrville, Ohio, Wayne County.

Q. In this state? A. Yes.

Q. And what profession have you followed? You entered the ministry? A. Yes, I entered the ministry in 1883. I was ordained to the diaconate.

Q. Where? A. In Trinity Cathedral.

Q. In this Church? A. Yes; in the old Church down town.

Q. And that was your first calling? A. Yes.

Q. I wish you would now, without my drawing much more out, give an account of your connection with the Church?

The Church Advocate: Just a moment, please, Bishop Brown, I think that the question as framed is too broad and I object to it as being irrelevant and immaterial. To give the history of his connection with the Church would take in a great deal of territory.

Mr. Sharts: Well, I was referring of course to his official offices, that is, to the offices that he had held.

The President: The Court feels that Mr. Sharts should be allowed to proceed in his own way.

A. Well, I entered the ministry as I have told you in 1883, as Deacon, and then in 1884 I was ordained to the priesthood. I am not just quite certain about the date, possibly it may have been in 1885. And in 1898 I became Archdeacon. Do you want to know the different capacities in which I served?

Q. Yes, I want you to go through all of them? A. Well, first I was a circuit missionary, with headquarters at Galion, and there I remained for eight years. After that I was Archdeacon of the Diocese of Ohio, for eight years, I think, in round numbers. Then I was consecrated to the episcopate, to the coadjutorship of the Diocese of Arkansas, and served in that capacity for a little over one year. Then I became the Bishop of Arkansas, and remained in charge of the diocese for nearly fourteen years, I think. I believe that that would in a general way cover it.

Q. How many parishes or congregations were under your charge in Arkansas? A. When I went there I think there were about twelve, perhaps eleven or twelve.

Q. And did it increase or diminish any while you were there? A. It increased. I built forty-nine churches and I built twenty-four rectories.

Q. What was the cause of your retiring? A. Arkansas was a very hard diocese, and I had been in the saddle as you might say for nearly thirty years, twenty-nine years or a little over; and then when I was in Ohio as a circuit missionary and as a general missionary, I was traveling all the time. And in Arkansas the work was very hard on me because I was unused to the climate; I contracted what the doctors called nervous dyspepsia. It made it impossible for me any longer to travel, and I had to rest for two years. I had a coadjutor elected and gave him my salary and house, with the idea of resting for two years.

Just about that time I had published a book "A Level Plan for Church Union,"—but that would take me into another field if I were to tell you about that now. However, I received a good many letters from my brethren calling attention to the fact that the book was heretical, more or less heretical. But I started in to study and found that I could do that much better than I could travel about in Arkansas, and I had a dear soul as my coadjutor who was only a year younger than myself; and I said to myself, "What is the use? I am going down there again and going to work and probably not live long." So I gave it up, but I went on with my studies, and that is another long story which you can draw out in questions.

Q. I will draw that out later. Have you held any official connection in the Church outside of what you have described? A. No, sir.

Q. What was there with regard to Bexley Hall, Gambier College? A. Well, I have delivered lectures there. When I was appointed Archdeacon of Ohio, the Bishop of Ohio heard me deliver an address in those days. In those days I was an extreme Churchman, I was a follower of Pusey, and dear Bishop Leonard of this diocese was very much pleased with my address on "The Real Presence of the Lord in the Holy Communion," and he said I would have to become a lecturer from year to year at Gambier, for a course of lectures. The first course I delivered was the course which afterwards was published in that book entitled. "The Church for Americans," and then I delivered other courses which I did not publish, from year to year.

Q. You have spoken of the early books that you wrote. I wish you would give us in a general way what those books were and along what lines. I don't mean to read them or anything like that, but just describe them. A. Well, the first book, as I have just told you, was "The Church for Americans." It was a book of 500 pages and it was published in 1885. It ran through nineteen editions and some of the bishops,—I see the Bishop of Georgia here,—his predecessor bought fifty copies at a time, and other bishops throughout the country bought many copies, and so it went from one edition to another, to my surprise, until it reached the nineteenth edition, I think. The contention, or as people would generally say, the thesis of that book was that each nation should have its own Church, that Christ came to save the world and that he had instituted in some way, through the apostles, but anyhow, it had so turned out that each nation or group of nations that were connected by language or civilization and so on, had its Church. And the English nation, the English-speaking people I represented to be the great people, the people of the world with whom the future was and that therefore the Church of the English-speaking people which had come down directly from Christ through the apostolic succession of its ministry, was the Church of the future, and for the world, because the future of the world was with that people. That was my general idea. I think you will see that I was orthodox enough in those days.

Q. When was your next publication? A. My next publication was while I was the Archdeacon of Ohio. After I became the Bishop of Arkansas, I was a Missionary. You will see from what I have told you I was a missionary by preference. Nothing would have induced me to take a parish. I had a parish offered to me which would have paid me more, nearly double the amount of salary I think that I ever did receive. But I was fond of missionary work. When I went into Arkansas, I had a great difficulty of a missionary character which confronted me, and it was that I couldn't reach the colored people,—nothing, no effort that I could make. Everything went along nicely with the work among the white people, but it wasn't possible for me to do anything for the colored people.

And after much conversation, inquiry and all that, I made up my mind that it was necessary to give the colored people of Arkansas an episcopate of their own. My argument was, and this is really the thesis of the book, that God had made all people of—if not exactly one blood;—I suppose that would be the orthodox way, but I was a little inclined to be heretical after going down South and looking things over. However, perhaps there is where my heresy began, I don't know. But I do know that many people objected very much to that book, in which I repeated that the colored people were the children of God as well as the white people. Now, I will exonerate the southern people. They made much less objection to that book than the northern people did. But I repeated that the colored people were the children of God as well as the rest of us, and that Christ died to save the world, and that inasmuch as this was true, I couldn't see why, what objection He would have if He were on earth and were confronted with the same problems, what objection He would have to giving them a Church. One of my arguments was to the effect that as a family, a parent, I thought we would bear something of the relationship to this Church as to a parent; but if we gave the colored people a Church, they would have to look to themselves very largely for their development; for a people such as the colored people are in the South, if they are to be saved at all, must work out their own salvation, a little as a member of the family must. Parents can do a great deal for their children and all that, still, if a boy or girl

ever amounts to very much, he or she will have to work out salvation for themselves. And that was my general idea and I developed it and worked it up in a book and that was another book. I have never been able to write a very short book. Well, now do you want to know a little more about the "Level Plan for Church Union"?

Q. That was the title? A. That was the next book and that is what got me in pretty bad with a good many of my dear brethern.

Q. Explain how? A. Well, it came about this way. Mr. Pierpont Morgan offered the House of Bishops—I am speaking now in general terms, I don't want to be held down to just the chapter and verse, for my memory doesn't serve me very correctly as to what the conditions were—but my impression was and is that we were to organize through the General Convention, or that the House of Bishops was to organize a movement looking toward the unification of Christendom.

I was a very enthusiastic advocate of church unity—because of my missionary experience possibly. In those days I felt that the salvation of the world depended upon Christianity, and I felt that it was not possible to save the world by Christianity if the Churches representing Christianity were continually divided. And I said to myself that we must get together, and did all I possibly could to that end, and differed from my brethren chiefly in this, that whereas most of them, I am quite sure, felt that we occupied a unique position which made it necessary for the several Christian bodies to come, so to speak, our way, I felt that it was not possible to appeal to the Church of this country and to the world on that basis; that if we ever got together at all it would be on a level, and then after we had got together we could agree among ourselves what sort of organization we would have. My general idea was that all the ministries would blend together naturally, and whether they cared for it particularly or not, they would nevertheless all have the same ministry and so we would have an army with which we could go forward to the conquest of the world. That was my general idea.

Now, perhaps, I ought to go back a little bit, and say this, for I think it is very much to the point. My first heresy, I suppose was simply this, that I felt that two bishops might serve in one diocese; that each people, every congregation of a tongue might be entitled to

its own Church, its own bishop; that in New York, for example, they might have perhaps with great advantage a dozen bishops, a dozen bishops instead of one bishop, and all associated with each other, and that now, in all the dioceses of the South, it was necessary that there should be two bishops if ever we reached the colored people. So far as I can see and remember that was my only heresy then, and it was considered so serious that some people talked of it as being very radical indeed. When I was in Boston I was nearly driven out of the city because of the advocacy of that plan, but that is a long story which is neither here nor there.

Then my next heresy was pretty serious, I began to feel that it was quite serious from my brethren's point of view. I reached the conclusion that there is only one Christianity, whatever we may say, there is only one Christianity, and that each church was an interpretation of that Christianity, on the same level with all the other Churches. My argument was that while of course I considered that the Episcopal Church was the best—I hadn't any doubt about it at all, none at all, I am naturally bigoted, I think I am, that is to say, I naturally hold strong convictions—and when I once reached the conclusion that there was only one Christianity, I naturally went on to conclude that the Churches of the Anglican communion could make no more of a divine claim in favor of their existence as the Church of God than any of the rest of the denominations of Christians. And so I advocated that we all come together upon the same footing, even if the Episcopal Church was a divine institution, as was publicly believed among us in those days. Perhaps I am out of touch with things now, but I wasn't then, but anyhow, in those days I felt that if the Episcopal Church had any advantage over any of the other Churches, it didn't matter so much, to begin with. What we wanted to do was to get together, and then let the leaven of the Church leaven the whole lump and see if the Church was not the Church with which the world could be brought to Christ. That was my conception then.

Well, then I became sick. I had to give up for a couple of years. It wasn't possible for me to go on, and to my great regret, I gave up my work with the idea that in two years I would go back, I would rest for the two years, then go back and do a little work in the season and then return to Ohio, where I began my ministry,

and so go through with the few years that I thought then remained to me. But my idea was, as it is now, that it is impossible—but of course there is no use talking about it now because my ideas are so widely different from what they were then, so widely different—but I thought that the Episcopal Church, though the best Church, was only better than other Churches, any other Church, as one man may be a little better than another man, or one college may be a little better than another college, and so on. Of course, we always think that our friends are the best people, our colleges are the best colleges, so I thought our Church was the best Church. Well, even those were just short little steps, very short steps, but the bishops commenced writing to me and the churchmen all over the country, condemning me.

Q. You mean about this book on the "Level Plan"?

A. "The Level Plan of Church Union." Some of the bishops said they had already burned the book, they wouldn't have it around at all, because they wouldn't disgrace their libraries with it, they were afraid somebody would see it. Nearly everybody that I heard from, well, they all condemned it, everybody that I heard from, and it disturbed me a great deal. I have Scotch blood in me, and Irish blood, too. My father was a Scotchman and my mother was an Irishwoman, and you know they don't give in very easily, if you know anything about those people; and I began studying to see if I couldn't defend myself, and I studied and studied; that was all I could do.

Q. Now, bishop, I think you had better fix the time of these things? A. Well, that book was published in 1910. Then in 1911, I took my vacation for two years. I must say that the letters I received from my brethren disturbed me a little, I was a little alarmed. I might say that even before that very mild heresy of "The Crucial Race Question"—I didn't tell you the title of that book, did I?

Q. No. A. "The Crucial Race Question," that was the second one. I think that was published in 1905, and then this other one was published in 1911. Well, they wouldn't forgive me even for that little heresy. I was in New York, and the New York Churchman was going to recommend me for trial then, right on the spot, after I had been railroaded out of Boston. Dear Bishop Potter went right down to the Churchman, and he said

he was going to get the Bishop of Philadelphia associated with him; and he told the editor, who was Dr. Me-Bee, he told him to just let up on that, that that wasn't quite so serious as he wanted to make it out to be. Well, Bishop Potter had a way of his own for bringing about things; and so I didn't have very much trouble. But I began to think that I was going to have trouble about this "Level Plan for Church Union" from letters I was getting, and so I started in to study. And some physician, with whom I had talked things over a little—told him about my troubles, a man by the name of McFarland—said to me, "Bishop Brown, I wish you would read Darwin." I don't know why he thought I had never read Darwin, I suppose because of something that I had said. "Well," I said, "I believe I will." I had just finished the book. I hunted up all the apologetics that I possibly could. I saw that I was getting seriously out of alignment with my brethren and I secured everything that I could, almost, in the way of the defense of Christianity, and I wrote later—that was a good deal later though, I will come to that a little later though, if I don't forget, and don't you let me forget, because it is quite a story.

Q. I won't. A. Well, I have forgotten now about—
The President: You might help him a little.

A. (Continued) You see I am getting to be a garrulous old man, and I just wander off, like most preachers do from their text.

Q. You had started in to study, you say? A. I said, "I guess I will read Darwin, after all." I had preached against him all my life, but I had never read him. Now, you will think that strange, but it isn't very strange. I believe we might call some of these clergymen to witness on the stand after I am through, and see whether or not my experience was not very much the same as that of the average clergyman. They are so busy with the preparation of their sermons, and they think they know everything anyway after they get out of the seminary.

The President: You might go along without making those references. There is no objection to the references, but only to the time.

A. (Continued) Well, I won't make any rash promises, Bishop, but you just cut me off when you get to it.

Q. Now, go into those studies a little bit. A. Well, I went into Darwin. I will tell you why I preached against him, never having read him. I see one of my lawyers is looking very serious and wonders how that could be. He is a Presbyterian, I guess. The reason of it was that I had read some criticisms about Darwin and I thought those criticisms were all right. I had an idea that everything I read from somebody that was a Doctor of Divinity was all right. I had a great respect for people who had D. D. or LL. D. after their names. I thought they were great people. Well, when I had read Darwin it was a perfect revelation to me. I did not know what to do. I saw that I was for the time to come altogether out of alignment with my old ideas. But it was so convincing, there was something about it that seemed so reasonable that I went on from book to book. I read his "Descent of Man," as well as his "Origin of Species," and read much of it many times; and then I began with one book after another of the same character that some reference had been made to, especially Huxley's books, which are a large library of books. I got into Spencer, and then finally I got into Haeckel and I read all his books. I read everything that I could get hold of. I saw that there was a new revelation to the world in science, that I had never dreamed of before.

Q. What conception did it give you of life, the external world? A. Well, it had this effect upon me. I saw immediately that what is called Darwinism, perhaps we should call it Darwinianism, had drawn a line. I saw that the history of the world could be divided into two periods. One period would be that which preceded Darwinism, and might be called traditional supernaturalism; and the other period is that which commenced some sixty or seventy years ago with Darwin's first book. Is it that long or no?

Q. 1857? A. No, he published his first book in 1859, or 1857, along there. Well, I saw then that a line had been drawn and that we were beginning a new world, a new world; that it would be impossible ever to go back to the old; that we must go forward; that we now live in an age of naturalistic scientism, and there as no possibility, so I felt, no possibility of bringing the old age into the new. Well, then came up the problem, how in the world can I remain in the Church, how can I remain? I wouldn't break with it for anything. How could I remain in the Church and go on to the short end that I

thought I would have, the remnant of my life? And I began to study out how this might be possible.

Q. Well, now, Bishop, let me ask you, did you make efforts to get in touch with your fellow bishops on that?

A. Every effort that a human being can make I made to get back.

Q. How did you do that? A. I happened to be greatly interested in the Church unity movement, and happened to be in possession of a list of the different theologians who were connected with that Church unity movement; and I made up my mind that they must be the select men for their several churches because they had been selected to meet in a great conference—I think I am giving it correctly, at least sufficiently so—they had been selected to meet in a great conference for the purpose of devising some way by which the Churches could come together, and I said, “Now, surely I am not a learned man, my education is deficient, and it may be that I can get help from those men who are college graduates and who have had many more opportunities than I had. It may be that I can get help from them.” And I don’t know why I did it, but I did, it seemed a tremendous task to write to so many, perhaps I wrote to so many because I knew that not many would answer; but many did, I got a whole trunk full of letters. I wrote to them asking what, what could be done to save a man who was drifting as I was, from getting out of the Church? My great difficulty at the beginning—I had been dabbling meantime in astronomy and had taught astronomy in the high school, rather lectured in the high school at Galion while I was on a vacation there or a little afterwards—and astronomy upset my orthodoxy altogether. That was my great difficulty. I wanted, and I had set my heart, of course, as we all have at one time or another of our life, upon heaven; of course I did. But when I began studying astronomy, I said to myself, “How as I going to get there?” There is what the Bible represents to be a firmament, which you seemed to be so anxious to read into the record a while ago, but it is only the reflection of the sun or the heavenly lights, great and small, upon the dust of the air, and there is nothing there upon which the city which is described in the Bible could be located, and anyhow, if it were some place, it would be so infinitely distant that there would be no possibility of reaching it for millions of years, even if you could travel at the rate at which light travels, 186,-

000 miles a second, as rapidly as anything can travel, physicists tell us. I didn't see how I could go there. You may think this is simple, but it was a very serious thing to me in those days; I think it is simple now myself, but it was a serious thing to me in those days; I said, "How can I get through that darkness that is thick so that it could be cut with a knife almost, and how could I go with my natural body through cold of 240 degrees for millions of years?" Oh, I had to give it up, that was all. And are you going to condemn me here for doing that?

Q. Well, now, Bishop, you were saying that you made an appeal to these various divines? A. Yes, I am glad you reminded me of that.

Q. Do you remember the date? A. If you keep on reminding me of that now, I will talk these brethren tired by night.

Q. What date was it if you will just state the date? A. Well, I don't know whether I can state that exactly. I wonder if my secretary could help me out. I think that date was about, I think that must have been about, that must have been before the war, or just about the war.

Q. Do you mean when the war started in Europe, or before we got in? A. Before we got in.

Q. We started in 1917, you know. A. Well, I think that was probably about the time, or a little before. Perhaps some bishops never received the letters. I wrote to every bishop. One bishop wrote me one of the loveliest letters I ever received. Well, what do you suppose one of the brethren told me, the most learned man in the Episcopal Church—I won't give his name because it would hurt the feelings of some of these brethren here—but what do you suppose he told me, the one upon whom I depended as much as any? I understand there is a clergyman here by the name of Dubois, and he wrote like the same bishop. Now, they corresponded with each other and they tried to save me and I shall ever be grateful to them. What do you suppose that bishop told me now as to how we would get to heaven? He reproved me a little for not knowing the Einstein theory, which, so far as I can make out, is that we go somewhere without going anywhere; and that was really the strongest point, almost, in the way of relief on that particular subject. Well, now, you will have to prod me up a little

bit, because I will run down after a while if you don't start me off again, you know.

Q. How many replies did you get? A. Oh, my goodness, I got a lot of them, and I think it would be a very interesting thing to the world if I would publish them. It would show the utter bankruptcy of the whole orthodox thing, the utter bankruptcy of it. My heart went down within me. It was not possible for me, with the knowledge that I then had of a new era, it was not possible for me to save myself from heresy.

Q. Well, now, this was about the time of the beginning of the World War? A. Yes.

Q. Did that turn your thoughts in any direction? A. Oh, yes, the World War did. I never had heard anything about socialism. You see I am a kind of a Rip Van Winkle, I only get one thing at a time; but when I get a thing, I hang on to it for a long time, and when the war came—I was a war orphan of the old war, I lost my father in the southern war when I was about two years of age, and I didn't have a very easy time in my life after that until I was twenty-one, didn't have it at all; the first soft thing I had was when I got into the ministry, that was the first soft thing I had in all my life, and I thought I was some pumpkins, too, when I got in the ministry. Well, that is really neither here nor there, but I only wanted you to see why, with my outlook upon things, why it was impossible for me to be in favor of that war. I said, "I have no doubt, if the Germans are half as bad as we make them out to be"—

The President: Mr. Sharts, don't you think he has talked long enough along that line?

Q. What was the effect of the war upon your processes of mental development? A. Oh, yes, and leave out the Germans? All right. I have to say this much against the Germans: I thought the Germans ought to be whipped if they were half as bad as they were represented to be, but I didn't see why the Americans ought to whip them. I didn't see why they couldn't attend to that affair over in Europe, and I didn't want thousands of orphans made in this country after the experience that I had had. So I wrote to my brethren, simple-minded as I am, you know, I only learn by knocks, it seems; all the way through life, I have learned in that way pretty largely. And do you know, every mother's son among the bishops was in favor of that war, almost,

and lots of them made fun of me. It discouraged me terrifically. Then to feel that the Church would promote a war, as our Churches did then, was a great discouragement to me. Then I saw an article in one of the papers, I don't know which now, I think it was some rather unusual paper that was sent to me, which intimated that all wars had more or less connection with money matters, economic affairs. Why, no, I thought, that can't be; all wars have reference to some great principles, some fourteen points, or other, and it is absurd, you know, to talk about any war being on anything but some high plane. So I was very much interested in this article, and I wrote to the person, and the person told me that if I could meet a socialist, it might do me good, I might find something that I didn't know. Well, there happened to be a socialist in Galion. I inquired around and found him and I talked with him, and this person who wrote me the article sent me a clipping, a little leaflet, which gave the idea that all wars were of an economic character. So I sent down to St. Louis for some literature.

The President: Bishop, just a moment. Mr. Sharts, we feel we have gone along with this personal narrative far enough. Might we not bring the bishop to the presentation of the matters in question?

Mr. Sharts: If the Court will notice, the book that he is being charged with being heretical about, has one section that deals with Marxism, and I was bringing this out for the purpose of bringing the Court to understand the process by which he arrived at the views he did arrive at. You will remember that the first part of the book is devoted to Darwinism; he has discussed that and now he is talking about the other division of the book. It is really, I think, very pertinent, if the Court is at all interested in whether or not he holds his opinions advisedly.

A. (Continued) Well, I will be brief anyhow. You just rap on the table there when I have said enough. Now, I was very much disappointed that nobody agreed with me.

Mr. Sharts: The Court understands that that part of the book was not even offered in evidence.

Bishop Brown: Oh, yes, for all of the quotations were made from it.

Mr. Sharts: I assure the Court that I am going to introduce the whole book in evidence at the proper time.

Bishop Brown: Well, now, both parts of the book were introduced, but I am not going to take more than a minute and I will stop now if you want me to.

The President: You may proceed.

Bishop Brown: You have got me out of the track now.

Q. Go on and explain your arrival at your views on Marxism? A. This publication in St. Louis is called "The Rip Saw," and I felt very much like ripping up everything in those days. And I sent two dollars down and got a whole armful of socialistic literature. And it was another revelation to me, as great as the one I had when I read Darwin; for I saw that while in the realm of biology we are governed by natural laws, so in the realm of sociology it is the same, and that there is no room for the supernatural in this age; we must come within the realm of the natural in all of the departments of life. Whatever there may be above or below, we know nothing about it, we only know about those things with which we are especially concerned in life and they are all of a naturalistic character, so far as I know. Well, now, was I obliged to abandon Christianity because I had reached that conclusion?

Mr. Sharts: If the Court please, it is now six o'clock, I believe.

The President: Possibly the Bishop would like to go on and finish. He seems to be in very good form, and if you desire at least to get through with his direct examination, the Court is not only willing to sit, but would like to sit.

A. (Continued) Now, what was I saying?

Q. You had explained how you had arrived at—

A. I am only going to detain you a minute, I mean a preacher's minute.

The President: Go right along.

A. Now, let's see. I said to myself, how can I, how can I stay in the Church? I have lost out on supernaturalism, it is gone for me.

Q. Did you make any re-examination of the Scriptures? A. Oh, yes, I made an examination of every-

thing under heaven by which I could stay, could get back, if possible, or stay in the Church.

Q. Did you make any examination of what is called the Higher Criticism? A. Well, in a general way, but you know when one loses his feelings about the supernatural, he begins to lose interest in higher criticism, because after all,—oh, well, in the first place I had learned that we have a great deal of misconception about the Scriptures. There is so much in them that we don't know whether it really belongs there or not; and even our Bible bears on the title page that it is translated from the original Greek; but it is nothing of the kind, it is nothing of the kind, and I think I would be prepared to prove that more definitely than I could just now.

Q. How do you mean? A. I mean that I reached that conviction with my study; that the whole thing all the way through had to be reconstructed in order for me to feel right about it. For myself, I reached the conviction that the Bible is very much more recent in its origin than it is usually supposed to be; it is not very good policy, I suppose, but you know one can't help being convinced about things. But I want to get to the point, and that is this, how can I still remain in the Church and reject supernaturalism, reject the existence of a conscious, personal God who brought the universe in existence in accordance with the representations of the Bible, and reject the whole system so far as it rests upon the two Adams, the first Adam, who fell, and the next Adam who became the head of the race? How can I with that conception remain in the Church? And I finally reached this conclusion, perhaps from my own experience as a preacher. I found that whenever I preached on a miracle, I was very apt to make a parable of it. I couldn't remember that I had ever preached a sermon on any miracle that I hadn't made a parable of it. Well, I said, I may have believed it, you know, as literally a miracle, but immediately I began thinking about it I made a parable of it. And I noticed that thing in my psychology, I suppose as Shroeder would say. So I said, why isn't that the way out of a good many things? Why can't I make heaven a state on earth? Why can't I make hell a state on earth? Instead of giving heaven a location above the earth;—there isn't anything above the earth. Why take things that are impossible in that way? Why not make parables of them? Why can't I make a parable of hell and bring it

from below? There isn't anything below, of course, I knew that. Orthodox people don't know that yet; but I learned that there is no hell below the earth, because there is nothing below it, and there is no heaven above the earth, because there is nothing above, that is all. There are no points of the compass; the earth revolves around from west to east to bring the phenomena of day and night, and the earth revolves around the sun the way water runs out of a bathtub, to bring winter and summer, and that is all there is of it. The movement is with the earth; the earth is falling, and if there is a hell below the earth, I wonder when the earth will crash into it and will it burn up?

By the President:

Q. I think you are working from the point a little.

A. Yes, now give me a pointer.

By Mr. Sharts:

Q. You finally put your views into written form?

A. Before I became a socialist I began writing "Levelism: A Natural Gospel for the Age of Science"; I believe that was the title of it. Then I became a socialist and that brought me into a new world; as I had been brought into a new world by Darwin, so I was brought into a new world by Marx. Now, I have said enough on that subject. You all understand.

Q. Now, you finally wrote this book that these errors of doctrine are supposed to be contained in? A. Yes, I wrote that book. I wrote the whole thing from beginning to end. I hope the Court won't let you read in what I have prepared.

Q. I have read that book many times. A. I mean you won't insist upon reading that whole thing.

Q. No, I am not going to read it in. Now, you offer this book in evidence? A. Yes, I do.

Q. Is the book that you wrote entitled "Communism and Christianity"? A. Yes.

Mr. Sharts: We will make this an exhibit in the case.

The Church Advocate: No objection; the whole of it?

Mr. Sharts: The whole book goes in.

Q. Now, Bishop, I would like to have you state what your purpose was in writing that book? A. My

purpose was to tell the truth as I understand it. I believe that the greatest thing in the world is the truth. The only thing upon which the salvation of the world depends is truth, and if you would like to have me explain what truth that is, I will do that, and that will hold the bishops a little longer. But a greater thing than that is something that these people want to deny me, and that is liberty, the liberty to think and the liberty to teach and the liberty to live; liberty is the greatest thing in the world.

Q. Well, now, Bishop, in writing this book did you reconcile your views as to communism and Darwinism and religion? A. Yes, everything, I don't reject one supernaturalistic representation of the Bible. I don't reject one supernaturalistic representation of the Creed, of the Prayer Book, or of anything else, and I interpret it all symbolically, not one of them do I interpret literally, that is, any supernaturalistic representation, not one.

Q. Now, I want to ask you specifically, Bishop—
A. And I am perfectly open, wide open to any representation—

The President: Now, Mr. Sharts is starting to ask you a question.

Q. Bishop, I am going to ask you whether you believe the Book of Common Prayer? A. Yes, I believe the whole thing. I will venture to say there isn't one bishop here that believes any more than I do and that takes any more delight in the worship from that Prayer Book than I do.

Q. You believe it from cover to cover? A. From cover to cover, and the Bible, too.

Q. You believe the whole Scripture, from Genesis to Revelation? A. Yes, I haven't any trouble with it at all.

Q. Take the Apostles' Creed, state whether you believe it or not? A. Yes, I believe it.

Q. "I believe in God the Father Almighty, Maker of Heaven and earth?" You believe that? A. Yes.

Q. "And in Jesus Christ, His only Son, our Lord?"
A. Yes.

Q. "Who was conceived by the Holy Ghost?" A. Yes.

Q. "Born of the Virgin Mary?" A. Yes.

Q. "Suffered under Pontius Pilate?" A. Yes.

Q. "Was crucified, dead and buried?" A. Yes.

Q. "He descended into hell?" A. Yes.

Q. "The third day he rose again from the dead?"
A. Yes.

Q. "He ascended into heaven and sitteth on the right hand of God, the Father Almighty?" A. Yes, sir.

Q. "From thence He shall come to judge the quick and the dead?" A. Yes.

Q. "I believe in the Holy Ghost?" A. Yes.

Q. "The holy Catholic Church?" A. Yes.

Q. "The communion of saints?" A. Yes.

Q. "The forgiveness of sins?" A. Yes.

Q. "The resurrection of the body?" A. Yes.

Q. "And the life everlasting?" A. Yes.

Q. Now the Nicene Creed?

The Church Advocate: You might save time by letting him say he believes the whole thing.

Mr. Sharts: The reason I am doing this is because I wish to negative each special allegation of denial of doctrine.

Q. "I believe in one God, the Father Almighty?"
A. Yes, sir.

Q. "Maker of heaven and earth, and of all things visible and invisible?" A. Yes.

Q. "And in one Lord Jesus Christ?" A. Yes.

Q. "The only begotten Son of God?" A. Yes.

Q. "Begotten of his Father before all worlds?"
A. Yes.

Q. "God of God?" A. Yes.

Q. "Light of light?" A. Yes.

Q. "Very God of very God?" A. Yes.

Q. "Begotten, not made?" A. Yes.

Q. "Being of one substance with the Father?" A.
Yes.

Q. "By whom all things were made?" A. Yes.

Q. "Who for us men and for our salvation came down from heaven?" A. Yes.

Q. "And was incarnate by the Holy Ghost?" A. Yes.

Q. "Of the Virgin Mary?" A. Yes.

Q. "And was made man?" A. Yes, sir, I not only believe every one of those things but I believe them ten times more than I ever did in my orthodox days.

Q. "And was crucified also for us under Pontius Pilate?" A. Yes.

Q. "He suffered and was buried?" A. Yes.

Q. "And the third day He rose again according to the Scriptures?" A. Yes.

Q. "And ascended into heaven?" A. Yes.

Q. "And sitteth on the right hand of the Father?" A. Yes.

Q. "And He shall come again, with glory, to judge both the quick and the dead?" A. Yes.

Q. "Whose kingdom shall have no end?" A. Yes.

Q. "And I believe in the Holy Ghost?" A. Yes.

Q. "The Lord, and Giver of Life?" A. Yes.

Q. "Who proceedeth from the Father and the Son?" A. Yes.

Q. "Who with the Father and the Son together is worshipped and glorified?" A. Yes.

Q. "Who spake by the Prophets?" A. Yes.

Q. "And I believe one Catholic and Apostolic Church?" A. Yes.

Q. "I acknowledge one baptism for the remission of sins?" A. Yes.

Q. "And I look for the Resurrection of the dead?" A. Yes.

Q. "And the life of the world to come?" A. Yes.

Q. Now, you believe those things? A. Every one of them, and everybody else can believe them as I believe them.

Q. Now, in the writing of this book, "Communism and Christianity," had you any purpose in view of attacking religion? A. No, sir.

Q. What was your purpose? A. My purpose was to bring religion off from an impossible basis on to a possible basis.

Mr. Sharts: Cross examine.

The President: Do you wish to cross examine?

The Church Advocate: There might be a few points.

The President: I think possibly we had better adjourn.

The Church Advocate: I should prefer to.

The President: What do you think about it, Bishop?

Bishop Brown: I am in very good shape. I think I can stand anything anybody can bring to me just now.

The President: There is no telling how you will be in the morning; I think we had better go on.

The Church Advocate: If the Court will allow me just a moment or two to confer—

Bishop Brown: Well, are you going to meet in the morning?

The President: Yes.

Bishop Brown: Well, let me off then.

The President: The Court stands adjourned to meet at ten o'clock in the morning sharp.

FIFTH DAY'S PROCEEDINGS.

Saturday, May 31, 1924, ten o'clock A. M. hearing resumed pursuant to adjournment, Bishop Murray offering prayer and presiding.

BISHOP WILLIAM MONTGOMERY BROWN resumed the witness stand, and testified further as follows:

DIRECT EXAMINATION Continued by Mr. Sharts.

Q. Bishop, you asked me this morning to see that you be given the opportunity to correct yourself in one statement that you made yesterday; what was that? A. Well, I think if my memory serves me correctly, I think I admitted that I was a heretic. I would like to qualify that by saying that in my own estimation I am not. In my own estimation I am entirely qualified. My conception is this, that I have the privilege of interpreting the Holy Scriptures on my doctrinal standards. I have the privilege of interpreting them, what is usually called, after the spiritual interpretation; I call it, symbolical. It doesn't exactly correspond, to my mind, with the spiritual interpretation of the supernatural representa-

tions of the Bible; they are the only ones with which I am specially concerned in this trial, as I understand it. Now, then, I accept every representation of the Scripture symbolically. That is, I mean I am not very supernaturalistic. There are a great many things in the Scriptures of course, which I accept literally. But the supernaturalistic representations of the Scriptures and of the Prayer Book I accept symbolically, not literally. And I say, I think I should have said my "alleged heresies," whereas I believe I said my "heresies". I am not a heretic in my own estimation.

Q. (Indicating paper) Well, now, Bishop, you handed me this morning this printed leaf entitled, "Bishop Brown's Defense," and bearing your signature, and asked that this be made a part of your testimony? A. Yes.

Q. You want that to go in? A. I would like very much to have that go in. I had it yesterday.

Mr. Sharts: I want to offer this as part of Bishop Brown's testimony, as an exhibit.

The Church Advocate: I haven't seen this.

Bishop Brown: I sent you a copy, Mr. Dibble.

The President: The Church Advocate may examine it.

The Church Advocate: Your position is that your witness will testify to this, if this were rehearsed to him.

Mr. Sharts: Yes.

Bishop Brown: I intended to put it in yesterday and forgot it.

The President: It may be admitted.

Said paper "Bishop Brown's Defense" was marked Defendant's Exhibit 4, and is hereto attached.

CROSS EXAMINATION OF BISHOP WILLIAM MONTGOMERY BROWN by the Church Advocate.

Q. Bishop Brown, at the close of yesterday afternoon's session your counsel rehearsed to you the Apostles' and Nicene Creeds article by article, and you stated as to each article that you believed that article? A. Yes, sir.

Q. Did you intend that profession of faith you made yesterday to be understood as a retraction of your

book "Communism and Christianity"? A. Oh, no, not one word of it.

The Church Advocate: That is all, Bishop Brown.

Mr. Sharts: If the Court please, I had an opportunity to ascertain what parts of that writing of Colonel West we want to offer in evidence and I have them here, sufficiently indicated for the stenographer and I will simply turn them over with instructions to him as to what parts I want.

Following are the parts of Colonel West's manuscript indicated by Mr. Sharts as what he offers to prove further by the testimony of Colonel West:

JESUS AND KRISHNA.

"I am all things; I am Life. I am the seed of all nature. Have faith in me. No one who worships me can perish. I will deliver thee from all sin."

—Krishna, in "Bhagavad Gita".

"I am the bread of life. He that cometh to me shall never hunger; and he that believeth in me shall never thirst. He that believeth in me hath everlasting life".

—Jesus, in the "New Testament".

The similarity in the Latin spelling of the two names, Christos and Chrishna, has led many authors to the belief that writers of the gospels appropriated the Krishna (Chrishna) for the Christ. This is not at all unreasonable, for there can be little doubt that much of the supposed history of the Christ was taken from the "Bhagavad Gita," the New Testament of the Vedas. The fact is that the Essenes, a Buddhist sect in Syria at the beginning of the present era, were teaching the same doctrines and precepts that are found in the Hindoo scriptures; and the writers of the gospels could not have been unfamiliar with the life of Krishna and Buddha.

At the command of Krishna, Visvakarma, the celestial architect, constructed a wonderful city. The walls were of gold, and the pavements glittered with precious stones. The houses were of pure crystal, supported by pillars of coral, with canopies of golden cloth, festooned with strings of pearl. A complete description of

Dwarka, the "New Jerusalem" of the Hindoos, makes the celestial city of the Apocalypse a coarse imitation.

Krishna is said to have possessed all the wisdom of the Almighty. He is called the "Pardoner of sin," and the "Liberator from the serpent of death". He is sculptured as treading victoriously upon the head of the serpent. A Magdalene anoints him before his crucifixion. His doctrine of peace, and moral teachings were practically identical with those of Jesus. More than three hundred parallels are found in the life and teachings of these two characters. In fact, the date of birth is the only thing that greatly contrasts the lives of these two savior gods. (See works of Sir William Jones, Sir Godfrey Higgins and Max Muller).

A comparison of the Bhagavad Gita and the New Testament stories of Krishna and Jesus, together with Moore's "Hindoo Pantheon," reveals the following striking parallels in the birth, life and death of these two so called saviors:

Their advent was foretold by prophets.

Both were incarnated and born of women.

The mother of each was a virgin.

Each was miraculously conceived.

A spirit or ghost caused the conception.

Each had an earthly father.

The earthly father of each was a carpenter.

God is claimed to be the father of each.

Jehovah was the father of Jesus, and Vishnu, the God of the Hindoos, was the father of Krishna.

There was rejoicing on earth when they were born.

There was joy in heaven when their birth was announced.

Both were of royal descent.

Their mothers were reputed to be pious women.

These virgin mothers each had a very dear female friend; the wife of Nanda was the friend of Devaki, and Elizabeth was the friend and confidant of Mary.

Both were born in obscure situations.

The birthday of each was the 25th of December.

Both were visited, at birth by the "wise men".

There was an angel warning of danger to the lives of each.

Herod sought the life of one, and Gansa the other.

A decree demanding the slaughter of children was issued by the two kings.

The parents, in obedience to the warning, fled to places of safety with the divine children.

Both were taken to the temple to be purified.

They each displayed great wisdom in childhood.

Both disputed with learned men.

Each became lost from their parents.

The mother of each had other children.

Each of these saviors had a "forerunner," John the Baptist for Jesus, and Bali Rama for Krishna.

The "Holy Ghost" in the form of a dove descended on both, as he had on other gods.

Both retired to the wilderness for some time.

Fasting was practiced by both.

Each delivered sermons and a series of moral lessons.

They were called and considered Gods.

Each was called a "Savior," "Savior of man," "Savior of the world," a "Messiah," "Redeemer," and "Shepherd".

Both were the "Light and Life" of men.

Both "brought life and immortality to light".

They were represented as "the seed of the woman bruising the serpent's head".

Both were "Dispensers of grace".

One was the "Lion of the tribe of Judah," the other the "Lion of the tribe of Saki".

Jesus was the "Beginning and the End;" Krishna was the "Beginning, the Middle and the End".

Both said: "I am the resurrection".

Each was "The way to the Father".

Both were emblems of "The Sun of Righteousness".

Each speak of having had prior existence.

Both were "without sin".

To "deliver from sin," was the mission of both.
 Both claimed the right to "forgive sin".
 Both came to "destroy the devil and his works".
 Their doctrine of the "atonement" was practically
 the same.

Each made a voluntary sacrifice for the sins of the world.

Each was regarded as "the Lord from heaven".
 All the attributes of God were applied to both.
 Both were called "Lord of Lords".
 Each had the "power and wisdom of God".
 It was claimed that "all power" was committed to both.

Each performed many miracles.
 Each healed "all manner of disease".
 Casting out devils was claimed for both.
 Each demonstrated his power to raise the dead.
 Both performed miracles with a tree.
 They could read the thoughts of the people.
 Each had disciples who were close to their "Lord and Master".

Both commissioned their disciples to teach and heal the sick.

Their enemies conspired against them.
 Humility and poverty distinguished both.
 Each denounced riches and rich men.
 Both Jesus and Krishna were unmarried.
 Both were accused and censured for associating with sinners.

A poor widow receives special attention from both.
 Each encounters a gentile woman at a well.
 A "Last Supper" marks the closing of the career of both.

Darkness attended the crucifixion of both.
 Each is reported as having forgiven his enemies.
 They were crucified between two thieves.
 Both died between the age of thirty and thirty-six.

Each, after "yielding up the ghost," descended into hell.

Both are resurrected from the dead.

Both finally ascend into heaven.

The ascension into heaven is witnessed by many.

The doctrines taught by both during their ministry, were the same; their moral precepts were the same, and often couched in almost identically the same words. (See *World's Sixteen Crucified Saviors*, by Graves; *Manual of Buddhism*, by Hardy).

In view of the foregoing, is it any wonder that Eusebius should say, "The religion of Jesus Christ is neither new nor strange"? (Ecclesiastical History, ch. 4). Augustine said, "This in our day, is the Christian religion, not as having been unknown in former times, but as recently received in that name".

PAGAN AND NEW TESTAMENT PRECEPTS COMPARED.

"In no religion are we so constantly reminded of our own as in Buddhism. Even some of the Buddhist legends and parables sound as if taken from the New Testament"—Max Muller.

The unprejudiced student of the science of religion cannot fail to observe the striking resemblance between the precepts of the New Testament and the sacred literature of pagan nations. Krishna, Buddha, Zoroaster and the sect known as Essenes, gave expression to many of the same lofty thoughts in their moral precepts; which leads one to suspect the fountain into which the writers of the gospels dipped their "inspired" pens.

"It is our first duty to seek the kingdom of God and his righteousness." Essenes.

"Seek first the kingdom of God, and his righteousness, and all else shall be added." Bible.

"Lay up nothing on earth, but fix your mind solely on heaven." Essenes.

"Lay not up treasures on earth." Bible.

"Leaving society, they make their residence in solitary wilds." Essenes.

"They wandered in deserts, and in mountains, and in dens, and in caves of the earth." Bible.

Josephus says of the Essenes: "They neither buy nor sell among themselves, but give of what they have to him that wanteth."

"And parted then (their goods) to all men as every man had need." Bible.

Philo says, "the Essenes forsook father, mother, brothers and sisters, houses and lands, for their religion."

"Whosoever forsaketh not father and mother, houses and lands, cannot be my disciple." Bible.

"Prayers, fasting, self-mortification and they made themselves eunuchs." Essenes.

"Made themselves eunuchs for the kingdom of heaven's sake." Bible.

Krishna, Buddha and the Essenes "detested all ornamental dress, and advised against the plaiting of the hair and wearing of jewelry."

"Let it not be outward adorning or plaiting the hair, and wearing of gold, and putting on of apparel." Bible.

"Call no man master." Essenes.

"Be not called Rabbi, for one is your master." Bible.

"The Creator made all mankind equal." Essenes.

"God hath made of one blood all them that dwell upon the earth." Bible.

"He who cannot be believed without swearing is condemned already." Essenes.

"Swear not at all." Bible.

"The Essenes prohibited the eating of meat which had been offered to idols."

"Abstain from meat offered to idols." Bible.

"Take nothing with you, neither meat nor drink, nor anything necessary for the journey." Essenes.

"Take nothing for your journey; neither staves nor script; neither bread, neither money, neither have two coats." Bible.

"They expounded the literal sense of the Holy Scriptures (Hindu scriptures) by allegory."

"Which things are an allegory." Bible.

"The Essenes renounced marriage, believing it detrimental to a holy life.

“They that shall be counted worthy of that world and the resurrection neither marry nor are given in marriage.” Jesus.

“The unmarried careth for the things of the Lord.” Paul.

“The poor are the Lord’s favorites.” Essenes.

“Blessed be ye poor. Hath not God chosen the poor.” Bible.

“Fast often.” Essenes.

Jesus and his disciples fasted often.

“Offer no sacrifices; a serious and devout soul is more acceptable.” Essenes.

“There is no more offering for sin.” Bible.

“The Essenes practiced baptizing the dead.”

“Else what shall they do which are baptized for the dead.” Bible.

“They (Essenes) gave a mystical sense to the scriptures, disregarding the letter.”

“The letter killeth, but the spirit maketh alive.” Bible.

“The Essenes, Krishna and Buddha taught by metaphors, symbols and parables.”

“Without a parable spake he not unto them.” Bible.

“The mysteries of the religion of the Essenes were kept secret.”

“To you it is given to know the mysteries of the kingdom, but to them it is not given.” Bible.

The Essenes had churches, bishops, elders and priests.

When the Christians succeeded them, they continued many of these offices. “Ordained elders in every church,” and “If a man desire the office of bishop, he desireth a good work.” Bible.

“They healed and cured the minds and bodies of those who joined them.”

“Healing all manner of sickness.” Bible.

“They disbelieved in the resurrection of the external body. (Physical body.)”

“It is sown a natural body, it is raised a spiritual body.” Bible.

Pliny says of the Essenes: "They were the only men who lived without money and without women."

Christ's disciples are said to have traveled "without money and without script," and they were taught "to eschew the lusts of the flesh." Bible.

"They practiced extreme charity to the poor."

"Bestow all thy goods to feed the poor." Bible.

The Essenes believed in a "paradise and in a place of never-ending lamentations."

"Life everlasting," and a place where there shall be "weeping and gnashing of teeth." Bible.

"God foreordained all the events of human life." Essenes.

"Foreordained before the foundation of the world." Bible.

"There is a Mediator between God and the souls of men." Essenes.

"There is one Mediator between God and Man." Bible.

The Essenes conducted an annual ceremonial representation of the death, burial and resurrection of God. They believed all injuries should be forgiven, and disapproved of all wars. They inculcated obedience to civil authorities, and that the truth should always be spoken. It is claimed that they performed many wonderful miracles, and taught that both the mind and the body could be healed of every malady by divine power. They taught their followers to be "meek and lowly" in spirit, and forbid the exercise of authority of one over the other. (See works of Pliny, Eusebius and Graves.)

Philo, Josephus and Apollonius were members of the Essene brotherhood. Much information regarding this sect may be found in their writings. It appears that they taught and put into practice in their daily lives, a "golden rule" like that attributed to Jesus in the New Testament.

There have been many versions of the so called "golden rule"; all inculcating the same principle. Pit-tacus, 650 B. C., said: "Do not to your neighbor what you would take ill from him."

Confucius, 500 B. C., said "Do unto another what you would have him do unto you, and do not to another

what you would not have him do unto you. Thou needest this law alone. It is the foundation of all the rest."

Thales, 464 B. C., said: "Avoid doing what you would blame others for doing."

Sextus, 406 B. C., said: "What you wish your neighbors to be to you, such be also to them."

Aristotle, 385 B. C., said: "We should conduct ourselves towards others as we would have them act toward us."

Aristippus, 365 B. C., said: "Cherish reciprocal benevolence, which will make you as anxious for another's welfare as your own."

Isocrates, 338 B. C., said: "Act toward others as you desire to have them act toward you."

Hillel, 50 B. C., said: "Do not to others what you would not like others to do to you."

It appears that great philosophers and religious teachers, in all ages, have given expression to the same lofty ideals. There are nuggets of pure gold in the precepts and teachings of the Essenes, in all religions, and in all bibles. When we understand the truth and the good there is in the records of all religions, and in a spirit of fairness and justice, winnow out the tares, and the chaff, the unethical, the immoral and unscientific, much of the bigotry, selfishness and race hatred, so productive of wars and inhumanity to man, will be eliminated.

Publius Syrus, a Roman slave, wrote, "Treat thine enemy as though a friend, and he will become thy friend. Pardon the offenses of others, but never your own. The noble spirit cures injustice by forgiving it. You can accomplish by kindness what you cannot by force. Better overlook an injury than avenge it."

In the Persian Bible, the Zend Avesta, we read: "To strike a man, or vex him with words, is a sin."

In the "Path of Virtue" or Drammapada of the Buddhist scriptures we find many gems of thought unsurpassed in any literature: "As the bee collects nectar and departs without injuring the flower, or its color and scent, so let the sage dwell on earth."

"The virtuous man delights in this world, and he delights in the next. The evil doer suffers in this world and he will suffer in the next."

“All we are is a result of what we have thought.

“Hatred does not cease by hatred at any time.

“By earnestness did Maghavan rise to the lordship of the Gods. People praise earnestness; thoughtlessness is always blamed.

“Not the failures of others, not their sins of commission and omission, but his own misdeeds and negligences should the sage take notice of.

“Like a beautiful flower, full of color, but without scent, are the fruitless words of him who does not act accordingly.

“As on a heap of rubbish cast upon the highway the lily will grow full of sweet perfume and delightful, thus the disciple of the truly enlightened shines forth by his knowledge among those who are like rubbish, among the people who are in darkness.

“The fool who knows his foolishness, is wise at least so far. But the fool who thinks himself wise, he is called a fool indeed.

“If a fool be associated with a wise man all his life, he will perceive the truth as little as a spoon perceives the taste of soup.

“As long as the evil deed done does not bear fruit, the fool thinks it is like honey; but when it ripens, then the fool suffers grief.

“As a solid rock is not shaken by the wind, wise people falter not amidst blame and praise.

“He who conquers himself is the greatest of conquerors.” (From translations by Max Muller.)

There are volumes of wisdom and moral teaching in the sacred literature of pagan nations, written long before the birth of Christianity, and from which the authors of the New Testament drew all that is pure and ennobling. And from the same fountain, they drew the vicious doctrines, and dogmas of theology.

From “The World’s Saviors,” by Kersey Graves, the following doctrines, precepts, etc., by Krishna, which are analogous to those of the New Testament, are quoted.

The doctrines taught in the Bhagavad Gita, and in the New Testament are similar; and each was propagated by disciples.

Each teaches the doctrine of future rewards and punishment. Analogous views of heaven and hell are

found in both. A third heaven is spoken of in each. Each has a hell provided for the wicked. Sin must be punished, and "the worm dieth not," in each system of teaching. The devil uses brimstone in the bible hell, while oil is used on the Hindoos.

The motive for future punishment is the same. Special divine judgment on nations is taught by each. A great final judgment is taught by each. There is "a judge of the dead" in each bible. Both teach a general resurrection. Witnesses report on human actions in each court.

The heaven or "Holy City" is described, even to its measurements in each case. To strive against sin, and repent of evil, is the same. Both teach that we have no continuing city here.

In each case, souls are carried to heaven as in the case of Lazarus. The belief in angels and spirits is the same. The doctrine of fallen angels is found in each. Obsession by evil spirits, or fallen angels is taught in each. Both teach that disease and insanity are caused by evil spirits, and both bibles speak of the war in heaven when the devil was kicked out.

An evil man can neither speak nor do a good thing. While both teach the doctrine of free will, and free agency, each appears to hold to the theory of predestination. In each, God and the Devil contend for the souls of men. Both make the devil a scapegoat for sin, and each teach that the devil is the primary cause of all evil.

Believers are known as "saints," and they are to wear "white robes". Both speak of the "Word" and the "Logos". God is known by his works, the "one supreme God", is referred to in each.

"Where the treasure is, there is the heart also," is taught in both. "Seek and ye shall find," is in both. Both enjoin partiality to "The household of faith". Each professes to have the "only true and saving faith". "Ramah" and "Ramiah" are words in both. "The understanding of the wise," is a phrase in each. Both speak figuratively of "The blind leading the blind."

"A new heaven and a new earth," is an expression in each. The Trinity of the Godhead is taught in each. Baptism by water was practiced and taught in each. "Living water," is a metaphor found in both. "Bap-

tism by fire," is spoken of in each. Fasting is enjoined, and idolatry is prohibited in each.

The bibles were received from the same source, inspiration. Each claimed to have inspired men who write the scriptures. In short, every doctrine, precept and practice found in the New Testament, is found in some form in the bible of the pagans. The New Testament is not new; it is a purloined and garbled conglomeration from the sacred (celestial) records made by the priests of sun-worship in all ages. Many hundreds of quotations from the sacred literature of Persia, Egypt and India might be made in support of this statement, but let the doubter search for himself. The proof is there.

Only once a year were the Egyptians permitted to eat pig meat; and then as a sacrifice to the full moon of Easter. Faustus, the Manichean, affirmed that "the power of Christ is in the sun, and his wisdom is in the moon." This identifies him with the soli-lunar Khunso-nefer-hept.

In the Ritual we learn that, "the god will cause the spirit of Bakhten to make a great sacrifice to the obsessing demon to cause him to depart from Ben-trash." Khunsu was the divinity of Pachens, or the month of Khunsu, which began on the 17th of March in the sacred year, or the 26th of April in the Alexandrian year. In the zodiac of Denderah, Khunsu is represented as standing in the disk of the full moon of Easter, after the vernal equinox had passed into the sign of Pisces. "He made a great sacrifice before Khunsu and the spirit upon a good day for them," says the Ritual. He is portrayed in the act of sacrificing the pig. This offering up of a pig, a type of Typhon, was for the propitiation of the devil's tax to Typhon, and was intended to commemorate the Easter period, for thousands of years prior to 255 B. C.

"Not only does the full moon still rule at Easter, but the pig is sacrificed and eaten. Bacon is prescribed to be eaten with the eggs of Easter. On 'Good Friday' the Roman Catholics offered unto Christ eggs and bacon, to be in favor till Easter day be passed." (Records of the past, Vol. 10, pp. 112-114.)

In the 8th chapter of Luke we find an account of devils entering the swine, and perishing with them in the lake. This is an exact picture of the Egyptian scenes

of the judgment, where the condemned souls that have not progressed in this life are ordered back into the abyss, and they make their way down the steep into the lake of primordial matter. Horus, in the Ritual, causes the transformation into the pig. Then says Horus, "when I sent him to his place, he went, and he had been transformed into a black pig. Hateful is the pig of Horus, turning his shape into the abomination of a great pig."

John must have written his gospel from the account of the god Khunsu, as no mention is made by John, or in that part of the Ritual, to the "legion" of devils. No case of possession is mentioned in connection with Khunsu, and the same is true of the Christ in John's gospel. Massey says: "The Christ of the canonical gospels had several mythical prototypes, such as Horus, Iu-em-hept, or Khunsu, and sometimes the copy is derived from one original and sometimes from another. We find that, as fast as the historic Christ of the four gospels disintegrates and falls to pieces, the mythical prototypes reclaim and gather up the fragments for their own as with the grasp of gravitation."

The dove is a type of Hathor, who brought forth Horus out of Eridanus, or the Nile. When the equinox had passed into the sign of the fish and the dove, Horus was born of the water and repubescence. The scene and scenery are represented in the baptism of Jesus in the Jordan. The Egyptian dove had been continued as the bird of Hathor; it is the type of the rebegetting spirit, or Ruach, in the place of the divine hawk, into which Horus was transformed when he became a soul.

"He shall baptize you with the Holy Ghost and fire, whose fan is in his hand, and he will thoroughly purge his floor." Luke 3:16-17. The fan, khu or khukhu, is an Egyptian ideograph of Horus, and is borne by Bak-hawk, the bird of the soul and solar fire. The baptism of Jesus was followed by the temptation in the wilderness. The original is found in a number of places in the mythos and is traced to a solar phase in which there is an annual battle for supremacy between Horus and the evil Sut, the Egyptian Satan. This battle occurs immediately after the baptism or immersion of Horus in the river. Both the baptism and the contest between the Lord and Satan are explicitly referred to in the Ritual.

In John's version of the woman at the Well of Sychar, the distinction of race is brought out: "How is it that thou being a Jew asketh drink of me? For the Jews have no dealings with the Samaritans." In the Ritual, Horus and Osiris appear at the well and pour out the water of life. The lady is the goddess Nu. The consorts who are not husbands are the five gods born of Seb.

In the scriptures of India, there is a story agreeing very closely with that in the Ritual and the one in the New Testament: "Ananda, the disciple of Buddha, after a long walk in the country, meets with Matangi, a woman of low caste of the Kandalas, near a well, and asks her for some water. She tells him what she is, and that she must not come near him. But he replies, 'My sister, I ask not for thy caste nor thy family, I ask only for a draught of water'." etc.

Eusebius said: "The canonical Christian gospels and epistles were the ancient writings of the Essenes or Therapeutae (healing or doctor) reproduced in the name of Jesus." (Eusebius, Vol. 11, Chap. 17.)

In the Ritual, as in the book of hades, the scenes are in starry fields above, while in the New Testament, they have been transferred to the earth. In some cases the effort on the part of the writers of the gospels to hide the identity of the originals is easily recognized.

In the Egyptian Ritual, Anup takes the place of the writer of John's gospel, and says: "I am the Lord of the fields when they are white for the reapers." Jesus says, "Behold I say unto you, lift up your eyes and look on the fields that are white already unto harvest." Simon, Andrew, John and James are the genii of four corners, or four gods and brethren of Horus. The twelve Matthew speaks of as reapers of the harvest when Jesus says, "The harvest is truly plenteous, but the laborers are few." The parable of the tares is explained to the twelve, and the twelve fed on ears of corn, all refers to the mythical harvest in the fields of heaven; the producers of grain for the gods. The twelve in the book of hades are portrayed as the reapers, and the Messiah Horus (Master of Joy) is leaning on his staff, while the reapers "labor in the harvest on the plains of Nuter-kar."

The miracle of the loaves and fishes is found in the Ritual. Osiris eats under the sycamore tree of Hathor. Seven loaves represent the bread of Ra; and five loaves

the bread of Seb. The lad with the bread and the fishes is met in the Ritual stories. The meaning of this is simple; when the equinox enters the sign of Pisces, the solar birthplace was in Annu, which word denotes fishes. The zodiacal fishes are twin, and Ichthys the Fish feeds his followers on celestial diet. "They that ate the loaves were five thousand." Five thousand was the exact number of the celestials in the Assyrian heaven before the revolt. ("Revolt in Heaven," Records, volume 7, p. 128.)

Following the miracle of the loaves and fishes, Jesus is said to have walked on the water at night. The disciples were afraid when they first saw him, because they did not recognize their master. In chapter 57 of the Ritual, reference is made to "prevailing over the water of hades." The speaker refers to the desire to cross over, "Osiris passes through the waters when he wishes, and sits there." And speaking of the other gods, says, "they knew not his name." Reference is also made in this story to "prevailing against the taking by stealth the night of the great struggle," which the writers of the gospel turn into account of Jesus escaping from those who took up stones to stone him. Instead of the attempting to take Osiris (hidden face) on the porch of Solomon, he is in the "fields of peace;" which is equivalent to the "porch of Solomon" or peace. Osiris (sun) is on the horizon of the heaven; they try to stop him; snares are set, but he hides his identity in the midst of the shrine of the gods, and is not caught. He makes his way through the night of darkness; the clouds of night; turns back his opposers; makes good his escape in the boat, and brings life and light to the ministers of the sun.

Jesus was taken to the brow of the hill on which the city was built, that they might throw him down, but he escapes. The same is told of Osiris; his face is hidden, and he tells the gods, "I am staying away for a while from earthly sports." Jesus says, "I go not up yet unto this feast, for my time is not yet fulfilled."

The Gnostics said that, "all the supernatural transactions asserted in the gospels are counterparts of what took place above." This is proven to be correct by an examination of the resurrected mythos. The gospel stories of miracles by Christ and his disciples, are nothing more or less than celestial allegories made mundane for consumption by the A-Gnostics, the ignorant religionists.

"The blind receive their sight, and the lame walk, the lepers are cleansed, the deaf hear, and the dead are raised up." (Matt. 11:5.)

Into the world of the dead the sun-god descended as the restorer of life and liberty. In this region miracles are wrought and the transformation takes place. Evil spirits are exorcised from the mummies, the stains of life are purified, the dead are raised up, the dumb dead is given a mouth. He caused lame hands to be put forth in health, opened the blind eye of the diseased, and caused the restoration of the deceased, is the language of the Ritual, and the book of hades, which was transferred to earth-life in the gospels.

The "high mountain," the "sermon on the mount," and "Mount Olive," are typical of the mount of the equinox. The ascent of Osiris into the mount of the moon is typical of the mount of transfiguration. Taht, the son of a god he calls the father, went up into the mountain to discourse concerning regeneration. The seventh book of Hermes is called "The sermon in the mount of regeneration." It was all in the mythos before it was placed in the gospels in a slightly changed form. Taht is instructed in the nature of the "Tabernacle of the Zodiacal circle." (Peter wanted to build three tabernacles.) Sut-Anup says, "This is regeneration, O son, that we should not any longer fix our imagination upon the body, subject to the three dimensions." The mystery of the death and resurrection of the moon is then made known, and Taht continues, "Keep the secret in silence, impart it to no man, O son, the tradition of regeneration lest we be reputed calumniators."

The woman with the issue of blood refers to Horus in the act of teaching the mystery among the twelve aeons with the pleroma out of which Achamoth (Sophia) wandered with her issue of blood, until the solar Christ took pity and going beyond the boundary fence of the pleroma, sought her out and gave form to her amorphous substance. The raising of Jairus' daughter, Mary Magdalene and her seven devils are all accounted for in the mythos; even the mission of the Jesus of the gospels, "sent unto the lost sheep of the House of Israel," is explained and clearly pictured in the celestial mysteries.

The parable of the ten virgins and the ten lamps was written in the Kamite mythos ages before the be-

ginning of this era. The "bride-groom" returns at night; Har-Khuti is the "Lord of Lights," the righteous were supposed to help him through the darkness by having their lamps ready against his coming. "Ten Uraei (types of Renen or virgins) should have been "emitting globes of fire for Ra." But their lights went out and the sun-god found hades in darkness at the midnight hour.

Darkness at the sixth hour, and the refusal of Christ, at his crucifixion, to drink the vinegar, the opening of the graves, and resurrection of the saints, are all found in substantially the same form in the celestial allegory of the soli-lunar god. "The whole fable of the underworld (hades) that was dramatized in Greece, was copied from the ceremonies of the Egyptians." (Diodorus)

The agony of the Lord in the garden, the drops of blood were the passion, suffering and weeping of Sophia during passion week in Abtu. Tesh Tesh, a sun god also suffered his agony and bloody sweat, at the crossing of the autumn equinox.

"Blood or red," says Massey, "was the color of the sun that suffered in the underworld. Atum, who set from the land of life was the red sun; and red was also the color of the suffering Christ preserved by tradition and extant as late as the fourteenth century. In a manuscript of that time (Biblia Sacra No. 6328-Dalton), Jesus is represented on the cross as an old and ugly Christ; the "old child" of Egypt; entirely naked, and the "color of his skin is red." When the body of Christ was not painted of that color, the hair and beard were constantly depicted red. It was a common popular tradition that Christ was of a red complexion, and this, as already shown, was the proper hue of the suffering sun-god, and of Osiris in his bloody sweat, or Adonis in his feminine phase.

"Atum, the red sun, is described as setting from the land of life in all the colors of crimson in Pant, the red pool. This clothing of colors is represented as a 'gorgeous robe' by Luke; a 'purple robe' by Mark; and a 'robe of scarlet' by Matthew."

Until comparatively recent times, many of the paintings of the supposed Jesus, represented him as a black man, with red lips. This conception of the humanized Christ still prevails among the dark skinned races that have been converted to Christianity. Race prejudice in

our time, is no doubt responsible for the existence of white and black paintings and statues of the so called "saviour."

The President: Does that close the case for the defendant.

Mr. Sharts: We rest.

The President: The Church Advocate?

The Church Advocate: We rest.

The President: The Court would like to know whether counsel have arrived at any agreement with regard to the matter of time for argument.

The Church Advocate: We have spoken about it this morning and agreed that we could probably complete our arguments in an hour and a half on the side, and at most wouldn't ask for more than three hours on the side. We feel that we ought to have an hour and a half.

The President: Suppose we go fifty-fifty and allow you an hour and a half on each side.

Mr. Sharts: I would like to ask this privilege, if we are going to be limited to an hour and a half for covering an immense subject, which also includes a motion that has not yet been disposed of, if we might do what they do in Congress, extend our remarks in the record by furnishing the stenographer afterwards with any statement or point that has had to be omitted because of the brevity of the time.

The President: Mr. Sharts, you know a good deal better than the Court does, which would have to be advised by the Assessors, that none of the arguments of counsel are part of the record.

Mr. Sharts: That is true of the official record although we will want the stenographer to take the arguments, we expect to use them.

The Church Advocate: The opening statement for the Church Advocate will be made by my associate, Mr. Smart.

The President: By the way, Mr. Sharts, to what motion did you refer a moment ago, the motion to dismiss which you said was to be argued along with the final argument?

Mr. Sharts: Yes, in order to have our record complete, we renew our motion to have the case dismissed on

the grounds stated before. I have the motion here now in typewritten form and want to file it with the Court.

The motion filed by counsel for defendant is as follows:

MOTION TO DISMISS.

“Now comes defendant at the close of all the testimony offered by the prosecution, and moves the Court to arrest this action and dismiss the same, for the reason that the prosecution has failed to show the holding or teaching of any doctrine advisedly, contrary to the doctrine of the Church, or to prove any errors of doctrine committed by the defendant; has failed to introduce any doctrine in evidence upon which to base said claim of error, and has wholly failed to establish by testimony the allegations of the presentment.”

The President: The Court is ready to hear from you, Mr. Smart.

The defendant's motion to dismiss was thereupon argued and the case was summed up by counsel for the respective parties.

(Recess)

The President: Mr. Sharts, does Bishop Brown desire to speak now?

Bishop Brown: I think I shall not spoil a climax by an anti-climax. I believe I will let things stand just as they are, except perhaps to thank the Court for their lovely attitude toward me, and the press, and my presenters and my prosecutors. I am thankful to you all for the lovely treatment that I have received. I hardly expected it, but it is a great joy to me, and I want to say that only, and will have no more to say.

The President: Thank you very much, Bishop. The Church Advocate may proceed with the case.

The Church Advocate was heard in reply.

The President: The motion to dismiss is overruled. The Court will now take the case under advisement on its merits, will adjourn and reconvene at three o'clock this afternoon.

AFTERNOON SESSION.

The Court reconvened at three o'clock P. M., Bishop Murray presiding.

The President: The Court having fully heard the allegations and the proofs of the parties in the above entitled cause and having deliberately considered the same after the parties had withdrawn, and every member of the Court sitting in the cause at the conclusion of the same having declared his opinion as to whether the accused is guilty or not guilty with respect to each particular charge and specification contained in the presentment, does hereby pronounce and record its decision and judgment as follows:

The accused is guilty of holding and teaching publicly, and advisedly doctrine contrary to that held by the Protestant Episcopal Church in the United States of America in manner and form as set forth in the presentment, as to each of the charges and specifications of the presentment.

In witness whereof, the following members of the Court assenting hereto, have hereunto attached their signatures at Cleveland, Ohio, on the 31st day of May, Anno Domini 1924.

(Signed)

JOHN G. MURRAY,
Bishop of Maryland.

FREDERICK F. REESE,
Bishop of Georgia.

THEODORE D. BRATTON,
Bishop of Mississippi.

EDWIN M. PARKER,
Bishop of New Hampshire.

BENJAMIN F. BREWSTER,
Bishop of Maine.

WILLIAM FREDERICK FABER,
Bishop of Montana.

HERMAN PAGE,
Bishop of Michigan.

In connection with the rendering of this judgment, the Court would ask the defendant whether he has anything to say as to why sentence should not be pronounced, and to inform him that should he have anything to say,

the Court will be very glad to give him time to prepare it and present it at the meeting on the 14th day of October, Tuesday of the week, 1924, at noon of that day.

Mr. Sharts: The defendant wishes to take that time to prepare a written statement. We would also like to say to the Court—

The President: Mr. Sharts, just a moment. My attention is called to the fact that I inadvertently used the words “and privately” which are not in the judgment. The judgment is “the accused is guilty of holding and teaching publicly and advisedly doctrine contrary to that held,” and so on.

Mr. Sharts: We wish to give the Court notice of our intention of appeal. I don’t know whether it is necessary to give that announcement now, but we make that statement.

IN THE COURT FOR THE TRIAL OF A BISHOP.
IN THE MATTER OF THE PRESENTMENT OF
BISHOP WILLIAM MONTGOMERY BROWN.

We, JOHN GARDNER MURRAY, President, and CHARLES C. BUBB, Clerk, respectively, of the Court for the Trial of a Bishop of the Protestant Episcopal Church in the United States of America, do certify that the foregoing, with the exhibits attached is all the evidence and a full and complete record of the proceedings, on the trial of Right Reverend William Montgomery Brown, on the Presentment set out in said proceedings.

Dated this 3rd day of October, A. D. 1924.

JOHN G. MURRAY,
President.

CHARLES C. BUBB.
Clerk.





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